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GENERAL LAWS,

PRIVATE ACTS, JOINT RESOLUTIONS AND MEMORIALS,

PASSED AT THE

1850

CR.

ELEVENTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO,

CONVENED AT DENVER,

ON THE

THIRD DAY OF JANUARY, A. D. 1876.

PUBLISHED BY AUTHORITY.

DENVER, COL.

WILLIAM N. EYERS, PUBLIC PRINTER

1876.



TERRITORY OF COLORADO, } SS.
SECRETARY'S OFFICE

I, JOHN TAFFÉ, Secretary of Colorado, do hereby certify that I have delivered to WILLIAM N. BYERS, Public Printer, true and correct copies of all Laws, Joint Resolutions and Memorials now on file in my office, passed at the Eleventh Session of the Legislative Assembly of the Territory of Colorado, convened at Denver, on the third day of January, A. D 1876

In testimony whereof I have hereunto set my hand and affixed the seal of the Territory of Colorado.

Done at Denver, this 13th day of March, in the year of our Lord one thousand eight hundred and seventy-six.

[SEAL] JOHN TAFFE,
Secretary of Colorado Territory.

FEDERAL OFFICERS OF THE TERRITORY.

GOVERNOR,
JOHN L. ROUTT.

SECRETARY.
JOHN TAFFE.

JUDGES OF THE SUPREME COURT
MOSES HALLETT, CHIEF JUSTICE
AMHERST W. STONE, ASSOCIATE JUSTICE.
ANDREW W. BRAZEE, ASSOCIATE JUSTICE.

UNITED STATES ATTORNEY,
CHARLES D. BRADLEY.

UNITED STATES MARSHAL,
CHARLES C. TOMPKINS.

ASSAYER U. S. MINT,
JACOB F. L. SCHIRMER.

SURVEYOR GENERAL,
THOMAS B. SEARIGHT.

UNITED STATES LAND OFFICERS

DENVER DISTRICT,
HERMAN SILVER, REGISTER,
SAMUEL T. THOMSON, RECEIVER.

CENTRAL CITY DISTRICT,
JOSEPH M. MARSHALL, REGISTER,
E. W. HENDERSON, RECEIVER.

FAIRPLAY DISTRICT,
JOHN J. HENRY, REGISTER.
WILLIAM K. BURCHINELL, RECEIVER.

PUEBLO DISTRICT,
KEYES DANFORTH, REGISTER,
MICHAEL H. FITCH, RECEIVER.

TERRITORIAL OFFICERS.

AUDITOR,
LEVIN C. CHARLES.

TREASURER,
FREDERICK Z. SALOMON.

SUPERINTENDENT OF PUBLIC SCHOOLS,
HORACE M. HALE.

TERRITORIAL MILITIA OFFICERS.

DAVID J COOK, MAJOR GENERAL, 1ST DIVISION,
WILLIAM M. CLARK, BRIG. GENERAL, 1ST DIVISION.
J. L. BRUSH, BRIG GENERAL, 1ST DIVISION,
M. H. FITCH, MAJOR GENERAL, 2D DIVISION,
JOHN C. MCBRIDE, BRIG. GENERAL, 2D DIVISION,
BENJ. F. CROWELL, BRIG. GENERAL, 2D DIVISION,
ROBERT S. ROE, ADJUTANT GENERAL,
E. B SOPRIS, INSPECTOR GENERAL.

TERRITORIAL GEOLOGIST,
J. ALDEN SMITH.

TERRITORIAL ASSAYERS,
LAWRENCE THOMPSON,

BOULDER COUNTY

GEORGE H. GREY,

GILPIN COUNTY.

OTTO HARTLEBEN,

CLEAR CREEK COUNTY.

MAURICE HAYES,

LAKE COUNTY.

THEO. F. BRAUN,

FREMONT COUNTY.

ALBERT REICHENECKER,

PARK COUNTY

WM. H. NICHOLS,

SAN JUAN COUNTY.

LEON AGGERS,

HINSDALE COUNTY

WILLIAM McCREE,

RIO GRANDE COUNTY.

ALBERT KALLENBERG,

LA PLATA COUNTY.

HENRY A. VEZIN,

SUMMIT COUNTY.

CENTENNIAL COMMISSIONERS.

GEORGE Q. RICHMOND,

STEPHEN DECATUR.

TRUSTEES OF SCHOOL OF MINES.

ADAIR WILSON,

JOHN H. YONLEY,

JAMES T. SMITH.

TRUSTEES DEAF MUTE INSTITUTE.

MATT. FRANCE,

WM. E. BECK,

HENRY K. STEELE,

WILBUR F. STONE.

BOARD OF PENITENTIARY MANAGERS

JOSEPH T. BOYD,

BENJ. F. EATON,

OLIVER H. P. BAXTER.

LEGISLATIVE ASSEMBLY.

COUNCIL.

FIRST DISTRICT—ARAPAHOE,

BELA M. HUGHES,
BAXTER B. STILES.

SECOND DISTRICT—WELD AND LARIMER,

B. H. EATON.

THIRD DISTRICT—BOULDER AND JEFFERSON,

JOHN C. HUMMEL.

FOURTH DISTRICT—GILPIN,

SILAS B. HAHN,
ED. L. SALISBURY.

FIFTH DISTRICT—CLEAR CREEK, SUMMIT AND GRAND,

ROBERT S. MORRISON.

SIXTH DISTRICT—BENT, ELBERT AND DOUGLAS,

ANDREW D. WILSON.

SEVENTH DISTRICT—EL PASO AND PUEBLO.

JAMES RICE.

EIGHTH DISTRICT—LAKE, PARK, SAGUACHE AND FREMONT,

JAMES CLELLAND.

NINTH DISTRICT—LAS ANIMAS,

P. A. McBRIDE.

TENTH DISTRICT—HUERFANO,

SILVERIA SUASO.

ELEVENTH DISTRICT—LA PLATA, HINSDALE, RIO GRANDE, CONEJOS,
AND COSTILLA.

ADAIR WILSON.

LEGISLATIVE ASSEMBLY.

HOUSE OF REPRESENTATIVES.

FIRST DISTRICT—ARAPAHOE,

ALFRED BUTTERS,
W. B. MILLS,
EDWARD PISCO,
EDMOND L. SMITH.

SECOND DISTRICT—WELD AND LARIMER,

N. H. MELDRUM,
*J. C. McCOWAN.

THIRD DISTRICT—JEFFERSON,

M. N. EVERITT.

FOURTH DISTRICT—BOULDER,
DAVID C. PATTERSON.

FIFTH DISTRICT—JEFFERSON AND BOULDER,

GEORGE RAND.

SIXTH DISTRICT—GILPIN,

FREDERICK KRUSE,
JOHN C. McSHANE,
WILLIAM LARNED.

SEVENTH DISTRICT—CLEAR CREEK, SUMMIT AND GRAND,

JOHN H. YONLEY.

EIGHTH DISTRICT—DOUGLAS AND ELBERT,

J. M. NIMERICK.

NINTH DISTRICT—BENT,

FRANK BINGHAM.

*Did not appear.

(2)

TENTH DISTRICT—PUEBLO AND EL PASO,
H. O RETTBERG,
ALBINUS Z. SHELDON.

ELEVENTH DISTRICT—FREMONT, LAKE, PARK AND SAGUACHE,
I. N. PEYTON.
JAMES Y. MARSHALL.

TWELFTH DISTRICT—LAS ANIMAS,
MAURECIO APADACA,
NICANORA D. JARRAMILLO,
DONACIANO GURULE.

THIRTEENTH DISTRICT—HUERFANO,
HERMAN DUHME, JR.

FOURTEENTH DISTRICT—COSTILLA,
FRANCISCO SANCHEZ.

FIFTEENTH DISTRICT—CONEJOS, HINSDALE, RIO GRANDE AND LA
PLATA,
T. M. TRIPPE

SIXTEENTH DISTRICT—CONEJOS, COSTILLA, HINSDALE, RIO GRANDE
AND LA PLATA,
REUBEN J. McNUTT.

GENERAL LAWS.

AN ACT

To Amend an Act entitled "An Act to Encourage Agriculture in Weld County," approved February 9th, 1874.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section three of article three (3) of said act be amended by striking out the word "November," in the first line of said section, and inserting in the place thereof the word "January."

SEC. 2. That section four of article three (3) of said act be amended by striking out the word "before," in the tenth line of said section, and inserting in place thereof the word "after."

SEC. 3. That section one of article five (5) of said act be amended by striking out the words "in any degree," in the seventh line of said section; and that the said section be further amended by inserting after the word "repair," in the ninth line of said section, the following: "Nor shall any damages or fines be recovered in any case, under the provisions of this act, for injury done to crops upon any land, unless all taxes and assessments levied by the authority of the fence district in which said land is situated have been paid, if already due and payable at the date of the injury for which damage is claimed."

Approved January 28th, 1876.

AN ACT

To Provide for the Several Expenses of the Territory for the Years 1876 and 1877, and for Outstanding Bills against the Territory on December 31st, 1875:

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That, for the purpose of paying the current expenses of the Territory for the fiscal year ending December 31st, 1876, and the fiscal year ending December 31st, 1877, and for the payment of certain outstanding bills against the Territory on December 31st, 1875, and for the purposes hereinafter named, the following sums are hereby appropriated out of any funds in the Territorial treasury not otherwise appropriated.

SALARIES.

SEC. 2. For the purpose of paying the salaries of the Judges of the Supreme Court the sum of two thousand (\$2,000) dollars to each of said Judges per annum, with what is now in the treasury, amounting to twelve thousand (\$12,000) dollars.

For the purpose of paying the Territorial Assayers the sum of five hundred (\$500) dollars each per annum, amounting to eleven thousand (\$11,000) dollars.

For the purpose of paying the Territorial Auditor the sum of sixteen hundred (\$1,600) dollars per annum, amounting to thirty-two hundred (\$3,200) dollars.

For the purpose of paying the Adjutant General of the Territory the sum of two hundred (\$200) dollars per annum, amounting to four hundred (\$400) dollars.

For the purpose of paying the Territorial Librarian the sum of five hundred (\$500) dollars per annum, amounting to one thousand (\$1,000) dollars.

For the purpose of paying the Territorial Superintendent of Public Instruction the sum of fifteen hundred (\$1,500)

dollars per annum, amounting to three thousand (\$3,000) dollars.

For the purpose of paying the Territorial Treasurer the sum of eight hundred (\$800) dollars per annum, amounting to sixteen hundred (\$1,600) dollars.

For the purpose of paying the Governor's Private Secretary the sum of twelve hundred (\$1,200) dollars per annum, amounting to twenty-four hundred (\$2,400) dollars.

For the purpose of paying the Board of Managers of the Penitentiary. To the Treasurer of said Board, the sum of nine hundred (\$900) dollars per annum; and to the President and Secretary, each six hundred (\$600) dollars per annum,—amounting to forty-four hundred (\$4,400) dollars.

For the purpose of paying the Warden of the Penitentiary the sum of twenty-five hundred (\$2,500) dollars per annum, amounting to five thousand (\$5,000) dollars.

For the purpose of paying the Principal of the Deaf Mute Institute the sum of fifteen hundred (\$1,500) dollars per annum; and to the Steward and Matron of said Institute, the sum of three hundred (\$300) dollars each per annum,—amounting to forty-two hundred (\$4,200) dollars, payable out of the Territorial Deaf Mute fund.

For the purpose of paying the District Attorneys the sum of eight hundred (\$800) dollars each per annum, amounting to forty-eight hundred (\$4,800) dollars.

TERRITORIAL INSTITUTIONS.

SEC. 3. For the purpose of defraying the expenses of the Penitentiary, the sum of thirty-six thousand (\$36,000) dollars.

SUMS FOR CONTINGENT EXPENSES.

SEC. 4. For the Governor's contingent expenses, the sum of one thousand (\$1,000) dollars.

For the contingent expenses of the Superintendent of

Public Instruction, the sum of one thousand (\$1,000) dollars.

For holding Institutes in judicial districts, the sum of four hundred and fifty (\$450) dollars, to be drawn in favor of the Superintendent of Public Instruction.

For the insane pauper fund, the sum of one thousand (\$1,000) dollars.

For the fugitive apprehension fund, the sum of one thousand (\$1,000) dollars

For the Auditor's contingent fund, the sum of one thousand (\$1,000) dollars.

For the Treasurer's contingent fund, four hundred (\$400) dollars.

For the contingent expenses of the Territory, the fund to be controlled by the Governor of the Territory, the sum of twenty-five hundred (\$2,500) dollars.

MISCELLANEOUS.

SEC 5. For incidental printing, the sum of one thousand (\$1,000) dollars.

For printing for the Legislative session, 1876, the sum of four thousand (\$4,000) dollars, to include seventy-five dollars (\$75) to the Sergeant-at-Arms of the Council, J. A. J. Bigler, for postage stamps

For payment of Moses Hallett for one hundred and twenty-five volumes of the decisions of Supreme Court of Colorado,—not yet published, but allowed in the appropriation, 1874,—the sum of one thousand (\$1,000) dollars.

For the printing of the Governor's message, the sum of one hundred and fifty (\$150) dollars, to William Witteborg, to be paid out of the sum allowed for Legislative printing.

For the translation of the Governor's message into the German language, the sum of seventy-five (\$75) dollars, to William Whist.

For the payment of Albert R. Dyer the sum of one hundred (\$100) dollars for translating the rules of the House and the Governor's message into the Spanish language.

For the payment of Foster Nichols the sum of fifty (\$50) dollars for assisting in organizing the Council at the eleventh session of Legislative Assembly.

FOR THE PAYMENT OF OUTSTANDING BILLS DECEMBER 31ST,
1875.

SEC. 6. For the county of Saguache, in the sum of twenty-one hundred (\$2,100) dollars, for the care and support of John Rombach, an insane pauper, from September 3d, 1873, to January 6th, 1876.

For the county of Park, the sum of sixteen hundred (\$1,600) dollars, for the care and support of Richard Rolandan, an insane pauper.

For William N Byers, the sum of three hundred and eighty-five dollars and fifty cents (\$385.50), for Legislative printing for tenth Legislative Assembly.

For Henry C. Brown, the sum of three hundred and fifty (\$350) dollars, for printing for tenth Legislative Assembly.

For Patrick Skehan, the sum of four hundred and fifty-eight dollars and fifty cents (\$458.50), for pursuing James A. Yankee, a fugitive from justice, under a warrant from the Executive of Colorado Territory.

For W. F. Smith, the sum of three hundred and seventy-five (\$375) dollars, for apprehending Jacob H. Markwood, a fugitive from justice, under a warrant from the Executive of Colorado Territory.

For W. Frank Smith, the sum of four hundred and eighty-one dollars and eighteen cents (\$481.18), for apprehending Edward P. Wheeler, a fugitive from justice, under a warrant from the Executive of Colorado Territory.

For the payment of W. Frank Smith, the sum of ninety-six (\$96) dollars, for twelve day's services in arresting the above said Edward P. Wheeler.

For the payment of Robert Y. Force, the sum of one hundred and thirty-five (\$135) dollars, for apprehending Oliver J. Wolcott, a fugitive from justice, under a warrant from the Executive of Colorado Territory.

For the payment of Joseph Arnold, the sum of one hundred and ninety-two dollars and twenty cents (\$192.20), for apprehending Isaac F Smith, a fugitive from justice, under a warrant from the Executive of Colorado Territory.

For the payment of Herman Beckurts, the sum of one hundred and seventy-two dollars and fifty cents (\$172.50), for printing during the year 1875.

BOARD OF HEALTH

SEC. 7. For the payment of the expenses of the Board of Health the sum of five hundred (\$500) dollars; the warrant to be drawn in favor of the Secretary of said board in such sums as he may require.

EXTRA CLERKS AND OFFICERS.

SEC. 8. For extra clerks and officers of the Eleventh Session of Legislative Assembly the sum of twenty-five hundred (\$2,500) dollars, or so much thereof as may be necessary to pay the same, to be audited and paid by the Territorial Auditor on certificates signed by the presiding officers of the Council and House of Representatives respectively, and countersigned by their secretary and chief clerk respectively.

For the payment of Chris. Meyer, as interpreter for the House at Eleventh Session of Legislative Assembly, the sum of seven (\$7.00) dollars per day.

For the payment of Joseph Bourcy, as interpreter for the Council at Eleventh Session of Legislative Assembly, the sum of seven (\$7.00) dollars per day.

For the payment of the Chaplain of the Council, and clerks and other employees of the Council and House not paid by the general government, the sum of five (\$5.00) dollars per day.

For the payment of the Secretary of the Council, for extra time in finishing journal, the sum of one hundred and fifty (\$150) dollars.

For the payment of the Assistant Secretary, Enrolling Clerk and Engrossing Clerk of the Council, and the Enrolling and Engrossing clerks of the House of Representatives, the sum of one hundred dollars each for extra work

For the payment of C. Dominguez, as interpreter of the House of Representatives, the sum of seven (\$7 00) dollars per day.

For the payment of the Chief Clerk of the House, for extra time in finishing the journal, the sum of one hundred and fifty (\$150) dollars, and for the payment of the Assistant Clerk of the House the sum of one hundred (\$100) dollars.

LEGISLATIVE EXPENSES.

SEC. 9 For the payment of the Legislative Committee in examination of accounts of Auditor and Treasurer, current session, and for committee for the year 1877, the sum of one hundred and fifty (\$150) dollars

For the payment of Legislative Committees of Eleventh Legislative Session in visiting the Penitentiary, Deaf Mute Institute, School of Mines and University of Colorado, the sum of one hundred and fifty (\$150) dollars.

SEC. 10 The sum of one thousand and fifty-six dollars and twenty cents (\$1,056.20) is hereby allowed to pay the deficiency in the appropriation for the Legislative expenses made by the Congress of the United States, to be paid back into the Territorial Treasury by the Secretary of the Territory when received from the Treasurer of the United States

SEC. 11. The sum of one hundred (\$100) dollars is hereby allowed the Secretary of the Territory for copying the laws of the Eleventh Session of Legislative Assembly for the printer,

SEC. 12. The Territorial Auditor is hereby authorized to audit printing bills, and all claims not specifically stated herein, and when satisfied of the justness of any claims

not herein stated, to draw his warrant on the Territorial Treasurer for the same in the name of the person entitled thereto

SEC 13 For the payment of Cyrus H. McLaughlin, the sum of twenty-five (\$25 00) dollars, which sum is due said Cyrus H. McLaughlin for administering the oath of office to the Eleventh Legislative Assembly, and the Auditor is hereby authorized to draw his warrant upon the Treasurer for the sum herein named in favor of said Cryus H McLaughlin

SEC. 14. For the payment of Jos. T. Boyd, Chief Clerk of the House for the Tenth Legislative Assembly, the sum of fifty (\$50 00) dollars, which sum is due said Jos. T Boyd for his services and expenses incurred in attending upon and calling to order the Eleventh Session of the House of Representatives, as provided in section one (1) of chapter fifty-one (51) of the Revised Statutes of Colorado, and the Auditor is hereby authorized to draw his warrant upon the Treasurer for the sum herein named in favor of said Joseph T Boyd.

SEC 15. All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 11th, 1876

AN ACT

For the Relief of David Briggs.

WHEREAS, David Briggs, Sheriff of Weld county, was, by the commission of the Governor of the Territory of Colorado, appointed to proceed to Topeka, in the State of Kansas, to return two fugitives from justice from that State to the Territory of Colorado, and, whereas, the said Briggs did proceed to Kansas for that purpose, and thereby incurred great expense, to-wit: the sum of two hundred dollars,—therefore,

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the sum of two hundred dollars be and

the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid to said Briggs, by a warrant drawn in his favor on the treasury, by the Auditor, in full payment of the same.

Approved February 11th, 1876.

AN ACT

To Amend an Act, entitled an Act to Amend an Act, entitled: "An Act to establish Assay Offices in Colorado Territory." Approved February 10, 1874.

Be it enacted by the Council and House of Representatives of Colorado Territory :

SECTION 1 That section one of an act, entitled an act to amend an act entitled "An Act to establish assay offices in Colorado Territory," be, and the same is hereby amended, by striking out the word "seven," (7), where it occurs therein, and inserting in lieu thereof, the word "eleven," (11), also by striking out the words, "and one at some point in the San Juan mining country, said point to be selected by the Territorial Assayer, appointed to such Territorial assay office," and inserting in lieu thereof, the words, "one at Montezuma, in Summit county, one at Del Norte, in Rio Grande county; one at Lake City, in Hinsdale county, one at Parrott City, in La Plata county; and one at some other point in La Plata county, said point to be selected by the Territorial Assayer, appointed to such Territorial Assay office"

Approved February 11, 1876.

AN ACT

To Allow the Assignment of Claims

Be it enacted by the Council and House of Representatives of Colorado Territory .

SECTION 1. When any person or persons shall become indebted to various parties for wages, work and labor done

on contract, or otherwise, or material furnished, it shall be lawful for any such creditor, claiming not more than \$200, to assign his claim to any other creditor claiming not more than such sum, and any claim or claims so assigned may be sued in the name of the assignee under the common counts, or any other proper pleadings, in any court of record.

SEC. 2 Where any such creditors, may have the right to claim a lien for the account so assigned, the assignee of such claim or claims may, after the assignment, file a lien in his own name, and in his notice of lien shall state by whom the work was done, or the material furnished, and the fact of the assignment.

Approved February 9, 1876.

AN ACT

To amend Chapter Six (6) of the Revised Statutes of Colorado Territory, entitled "Attachments"

Be it enacted by the Council and House of Representatives of Colorado Territory :

SECTION 1. That section one (1) of chapter six (6) of the Revised Statutes of this Territory, be stricken out and repealed, and that instead thereof, the following be enacted, viz :

If any creditor, or his agent or attorney, or some credible person for him, shall file in the office of the Clerk of a District Court, or in the office of the Clerk of a Probate Court, in this Territory, or with the Judge of said Probate Court where no Clerk is provided, in cases where said Courts have jurisdiction, given to them by law, an affidavit setting forth that any person is indebted to such creditor; stating the nature and amount of such indebtedness, as near as may be, and alleging any one or more of the following causes for Attachment, viz :

*First—*That the defendant is not a resident of this Territory.

Second—That the defendant is a Foreign Corporation.

Third—That the defendant is a Corporation, whose chief office or place of business is out of this Territory.

Fourth—That the defendant conceals himself, or stands in defiance of an officer, so that process of law cannot be served upon him

Fifth—That the defendant is about to remove his property or effects, or a material part thereof, out of this Territory with intent to defraud, or hinder or delay his creditors

Sixth—That the defendant has fraudulently conveyed or transferred, or assigned his property or effects, so as to hinder or delay his creditors.

Seventh—That the defendant has fraudulently concealed or removed, or disposed of his property, or effects, so as to hinder or delay his creditors.

Eighth—That the defendant is about fraudulently to convey, or transfer, or assign, his property or effects, so as to hinder or delay his creditors

Ninth—That the defendant is about fraudulently to conceal, or remove, or dispose of his property or effects, so as to hinder or delay his creditors.

Tenth—That the defendant has failed or refused to pay the price or value of any article or thing, delivered to him, which he should have paid for, upon the delivery thereof.

Eleventh—That the defendant fraudulently contracted the debt, or fraudulently incurred the liability, respecting which the suit is brought, or by false representations, or false pretenses, or by any fraudulent conduct, procured money or property of the plaintiff; it shall then be lawful for such Clerk to issue a writ of attachment, directed to the sheriff of the county, returnable like other writs, commanding him to attach the lands, tenements, goods, chattels, rights, credits, moneys, and effects of said debtor, of every kind, or so much thereof as will be sufficient to satisfy the claim sworn to, with interest, and costs of suit, in whose hands or possession the same may be found. An attachment may

issue on a demand not yet due, in any of the cases mentioned in the above subdivisions, except in the first, (1), second, (2), third, (3), and fourth, (4), subdivisions, but no judgment shall be rendered against the defendant until the maturity of the demand.

SEC. 2. Section four, (4), of said chapter six, (6), is hereby repealed, and the following is enacted instead thereof, viz: Every Clerk of a District Court and every Clerk of a Probate Court, and every Judge of a Probate Court, where no Clerk is provided in such Probate Court, shall, before issuing a writ of attachment, take a bond, with security from the party for whom the same shall be issued, or a bond with security from his or their agent or attorney, or other person, payable to the defendant or defendants, in double the sum sworn to be due to the plaintiff or plaintiffs, conditioned as follows, namely: "That the plaintiff or plaintiffs shall prosecute his or their suit with effect, or in case of failure therein, or in case the writ of attachment is quashed, dissolved, or not sustained, that he or they shall pay to the defendant or defendants all costs or necessary expenses he or they may incur in such suit, as well as all damages the defendant or defendants may sustain by reason of the suing out of any writ of attachment in said suit, and the seizure of his or their property, chattels, or effects, or by reason of any process or proceeding under the same, or by reason of any excessive levy upon his or their property, chattels or effects, under any writ of attachment in said suit, or by reason of any proceeding whatever in said suit, and all damages which the defendant or defendants in said suit shall sustain by reason of a wrongful or malicious suing out of such attachment writ." Which said bond approved by said Judge or Clerk by writing thereon, with the affidavit required by this Act, shall be filed in the office of the Judge or Clerk granting the attachment. All sureties upon such bonds shall be residents of Colorado Territory, and his or their responsibility must be known to the Clerk issuing the writ of attachment, or his or their responsibility shall be made to appear to said Clerk or Judge by the

oath of credible persons known to him, and a writ of attachment issued without a bond or affidavit as herein required shall be quashed, and all proceedings under such writ dismissed.

SEC. 3. Section eight, (8), of chapter six, (6), aforesaid, is hereby repealed, and the following is enacted instead thereof: "No writ of attachment shall be quashed, nor any garnishee discharged, nor any bond given by any person or persons under proceedings by attachment be rendered invalid, nor any rule entered against a Sheriff discharged on account of any informality or insufficiency of the original affidavit, or of the original bond given for the attachment, if the plaintiff or plaintiffs, or some credible person, or his or their agent or attorney, for him or them, shall file a sufficient affidavit in the cause, or if the plaintiff or plaintiffs, or some credible person, or his or their agent or attorney, for him or them, shall make, with such security as is required by this Act, a bond to be approved by the Court in which said suit may be pending. And when a writ of attachment shall be held to be defective, the same shall be allowed by the Court to be amended in such time and manner as it may direct, and thenceforth the suit shall proceed as if such defective proceedings had been originally sufficient.

SEC. 4. Section five (5), of said chapter six (6), is repealed, and the following enacted instead thereof, viz:

The condition of this Bond is such that, whereas, ——— hath, on the day of the date hereof, prayed an attachment, out of the ——— Court, in and for the county of ———, in the Territory of Colorado, at the suit of ——— against the estate of the above named ———, for the sum of ———, and the same is about to be sued out of said Court, returnable on the ——— day of ——— next to the term of the said Court then to be holden. Now, if said ——— shall prosecute ——— suit with effect, or in case of failure therein, or in case the writ of attachment is quashed or dissolved, or not sustained, and shall pay to the defendant, or defendants, all costs and necessary expenses he or

they may incur in such suit, as well as all damages the defendant or defendants may sustain by reason of the suing out of any writ of attachment in said suit, and the seizure of his or their property, chattels, or effects, or by reason of any process or proceeding under the same, or by reason of any excessive levy upon his or their property, chattels, or effects, under any writ of attachment in said suit, or by reason of any proceeding whatever in said suit, and all damages which the defendant or the defendants in said suit shall sustain by reason of a wrongful or malicious suing out of such attachment writ.

Then the above Bond shall be void, otherwise remain in full force.

And if the attachment is quashed, dissolved, or not sustained, the obligee or obligees in said bond may sue directly the obligors therein, without first instituting a suit against the principal or principals in said bond

And in all bonds given under this act it shall be stated who are the principal obligors therein, and who are the securities therein.

SEC. 5 If, at any time pending a suit by attachment, or pending a suit where attachment has been issued in aid thereof, as provided in section thirty (30), of said chapter six (6), it shall appear to the Court, clerk, or judge thereof, in which the suit is pending, that the bond given is insufficient, or that any security therein has died, or has removed from this Territory, or has become, or is likely to become, insolvent, said Court, clerk, or the judge thereof in vacation, shall order another bond, and such other and further security to be given as shall seem proper, ten (10) days previous notice in writing having been given to the plaintiff, or any one of the plaintiffs, his or their agent or attorney, of the application for such order, and if the plaintiff or plaintiffs, his or their agent or attorney, or other person for him or them, shall fail to comply with such order within twenty (20) days after the same shall be made, all or any writs of attachment issued therein shall be quashed.

The additional bond herein required shall follow substantially the form of attachment bond, provided for in this act, and the giving thereof shall not render invalid any bond or bonds previously given in such suit, nor be held to release or impair the liability of the obligors, or any of them, upon such bond or bonds previously given. The principal or principals and sureties in the original bond, and those in any bond or bonds, subsequently given as herein provided, shall be jointly and severally liable if the attachment is not sustained, and all or any number of them may be sued jointly or severally in one action, on such bonds.

SEC 6. In any suit on any attachment bond, any principal or principals may avail himself or themselves of any set-off he or they may have against the obligee or obligees in said bond, and if such set-off shall exceed in amount the damages proven under such bond, judgment shall be rendered in favor of said principal or principals, pleading the set-off and establishing the same, for the amount of the excess and all proper costs.

SEC 7 Section thirty two (32), of said chapter six (6), is hereby repealed, and the following enacted instead thereof. The affidavit required in the first (1st) section of this act may be sworn to before any officer authorized by the laws of this Territory to administer oaths, or when the person required to make the same resides out of or is absent from this Territory, such affidavit may be made before a Notary Public or Clerk of any Court of Record of the State or Territory wherein such person may be, such Notary or Clerk certifying the same under his Notarial seal or the seal of such Court

SEC. 8 The notice required to be given in section five (5) of this act may be served upon any of the parties therein required to be notified by any Sheriff or Deputy Sheriff of the county within which such notice shall be served, by reading the same to the plaintiff or any one of the plaintiffs, or to his or their agent or attorney; and his return of service shall be sufficient proof of the service thereof

(4)

SEC. 9. In all cases of garnishment under the statutes of this Territory, the garnishee shall be allowed by the Court a reasonable compensation for the expenses of answering interrogatories and his attendance at Court about the same, to be deducted out of the funds or proceeds of property or effects confessed in his hands or allowed by such Court, and taxed as costs in the suit

Debts not yet due to the defendant or defendants may be attached, but no execution shall be awarded against a garnishee until his indebtedness shall become due to such defendant or defendants.

SEC. 10. The writ of attachment to be issued under this act shall be substantially the same as is now required by section two (2) of the act to which this is amendatory.

SEC. 11. Every bond given under this act shall be recorded by the Clerk or Judge of the Court out of which a writ of attachment shall issue; and the record thereof, or a copy of the same, may be read in evidence, in case of the loss or destruction of the original bond, with the same effect that such original bond might have been read

SEC. 12. A writ of attachment may issue from a District or Probate Court in cases where Justices of the Peace have jurisdiction when, in addition to the affidavit required in this act, the affiant shall state that the debtor has not, to his knowledge, any goods, chattels, effects, or credits, within this Territory liable to attachment issued by a Justice of the Peace.

PROCEEDINGS BEFORE JUSTICES.

SEC. 13. Writs of attachment may be issued by a Justice of the Peace, and the proceedings before such Justice shall conform to, and be governed as near as may be, by the provisions of this act. The affidavit and bond for attachment shall be made and given substantially as required in this act for proceedings by attachment in the District or Probate Courts; but nothing in this act shall be construed to affect sections ninety-nine (99), one hundred (100), and

one hundred and one (101), of chapter fifty (50) of the revised statutes of this Territory; or to affect an act approved February eighth (8), eighteen hundred and seventy-two (1872), entitled An Act Defining Further Causes of Attachment; or to affect an act approved February the ninth (9), eighteen hundred and seventy-two (1872), entitled An Act to Amend Chapters Six (6) and Forty-eight (48) of the Revised Statutes of Colorado Territory.

SEC. 14 The affidavit for an attachment before a Justice of the Peace shall be made by the creditor, or his agent or attorney, or some credible person for him, and filed with such Justice, stating the nature and the amount of the indebtedness of the defendant as near as may be, and alleging any one or more of the causes for attachment set forth in the first (1) section of this act; and an attachment may be issued by such Justice on a demand not yet due in any of the cases mentioned in the subdivisions of the first (1) section of this act, except in the first (1), second (2), third (3), and fourth (4) subdivisions, but no judgment shall be rendered against the defendant until the maturity of the demand. The Justice, before issuing such writ, shall take a bond with security from the party for whom the same shall be issued, or a bond with security from his or their agent or attorney, or other person, payable to the defendant or defendants in double the sum sworn to be due to the plaintiff or plaintiffs, conditioned as bonds for attachment are required to be in section two (2) of this act. All sureties upon such bonds shall be residents of Colorado Territory, and his or their responsibility must be known to the Justice issuing the writ of attachment, or his or their responsibility shall be made to appear to such Justice by the oath of credible persons known to him; and a writ of attachment issued without the bond or affidavit herein required shall be quashed, and all proceedings under such writ dismissed.

The provisions of section three (3) of this act, in regard to defective proceedings by attachment, shall apply to cases before Justices of the Peace.

SEC. 15 The form of a bond prescribed in section four of this act for an attachment shall be substantially followed in proceedings for attachment before a Justice of the Peace; and if an attachment is quashed, dissolved, or not sustained, the obligee or obligees in said bond may sue directly the obligors therein, or any of them, without first instituting suit against the principal or principals in said bond: and, in all bonds given before a Justice of the peace, it shall be stated who are the principal obligors therein, and who are the securities therein.

And the same proceedings may be had before a Justice of the Peace in regard to an insufficient bond or bonds where any security therein has died, removed from this Territory, or become or is likely to become insolvent, as is provided in section five (5) of this act, and the provisions of said section five (5) in regard to the giving of additional bonds and in regard to the liability of the principal and sureties on an original bond, as well as on any additional bonds, and the joint and several liability of the principals and sureties in any such bonds, and the manner of suing such principals and sureties, shall apply to bonds given before Justices of the Peace

SEC. 16. The provisions of section nine (9) of this act in regard to allowances to garnishees, and in regard to the attachment of debts not yet due to the defendant or defendants, shall apply to proceedings in attachment cases before Justices of the Peace.

SEC. 17 The provisions of section six (6) of this act shall apply to proceedings in a Justice's Court, but no judgment shall be rendered in favor of an obligor or obligors pleading a set-off for an amount exceeding the jurisdiction of a Justice of the Peace.

The affidavit in proceedings for attachment before a Justice of the Peace, may be sworn to as is provided in section seven (7) of this act.

SEC 18 Every bond given for an attachment before a Justice of the Peace shall be recorded by such Justice on

his docket, and a record thereof, or a copy of the same, may be read in evidence, in case of the loss or destruction of the original bond, with the same effect that such original bond might have been read

SEC. 19. Sections ninety-seven (97) and ninety-eight (98), of chapter fifty (50), of the Revised Statutes of this Territory, entitled "Justices and Constables," are hereby repealed.

SEC. 20. A writ of attachment issued by a Justice of the Peace shall be directed to any Constable of the county where the suit is brought, and shall be returned as is now provided by law for the return of writs of summons issued by Justices of the Peace in other cases.

SEC. 21. In all cases in which a judgment may have been rendered against the defendant in attachment without appearance, upon a bond, bill, note, or other instrument in writing, and the plaintiff shall at any time desire the withdrawal of the instrument sued on, it shall be the duty of the Justice to indorse on said instrument the amount, if any, which has been paid upon the judgment arising from the proceeds of the sale of the attached effects

SEC. 22. All acts in conflict with this act are hereby repealed, and this act shall take effect on the 1st day of March, A. D. 1876.

Approved February 8, 1876

AN ACT

To Amend Chapter Ten (10) of the Revised Statutes of Colorado Territory, entitled, "Bills of Exchange and Promissory Notes"

Be it enacted by the Council and House of Representatives of Colorado Territory: .

SECTION 1. The title of said Chapter Ten (10) is hereby stricken out, and the title thereof shall hereafter be "Bonds, Bills, and Promissory Notes."

SEC. 2. The words "obligee or payee," in the fifth (5th) line of the tenth section of said Chapter Ten (10) are hereby stricken out, and the words "obligor or maker" inserted instead thereof, and the word "such" before the word "obligee" in the eleventh (11th) line thereof, is hereby stricken out and the word "the" inserted instead thereof.

Approved January 24, 1876.

AN ACT

Relating to Bonds, Bills of Exchange, and Promissory Notes.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. In any action founded upon a promissory note, bill of exchange, bond, or other instrument in writing, for the direct payment of money only, it shall be sufficient for the plaintiff in his declaration to give a copy of such instrument, with all credits and indorsements thereon; and to state that there is due to him on such instrument from the defendant a specified sum, which the plaintiff claims with interest. When others than the makers of a promissory note, or the acceptors of a bill of exchange, are parties in the action, it shall be necessary to state also the kind of liability of the several parties defendant thereon, and the facts, as they may be, which create their liability

SEC. 2. Persons severally liable upon the same obligation or instrument, including the parties to bills of exchange and promissory notes, may all, or any of them, be included in the same action, at the option of the plaintiff.

Approved February 11, 1876.

AN ACT

To repeal "An Act concerning actions on Bonds, Bills, Notes, and other instruments in writing, approved January 31st, 1872."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That an act entitled "An Act concerning actions on Bonds, Bills, Notes, and other instruments in writing, approved January 31st, 1872," be and the same is hereby repealed.

Approved January 28, 1876.

AN ACT

In regard to Bonds given in Legal and Equitable Proceedings.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. All bonds hereafter given on appeals or writs of error, to the Supreme Court of this Territory, shall be recorded by the Clerk of the Court from which such appeal is taken, or from which such writ of error is prosecuted, and all bonds for injunction shall be recorded by the Clerk of the Court in which the cause is pending, as soon as the same shall be filed in the cause.

All bonds given in the action of replevin shall be recorded by the Clerk of the Court in which the cause shall be pending, and all other bonds, required by law, or the order of any Court, to be given in any civil proceeding, shall be recorded by the Clerk of the Court in which the cause is pending. Bonds given in any civil proceeding, before a Justice of the Peace, shall be recorded by the Justice upon his docket

SEC. 2. The securities on all the bonds mentioned in this act shall be residents of the Territory of Colorado, and

their responsibility must be known to the Court, Clerk, Judge, Justice of the Peace, or officer taking the bond, or their responsibility shall be made to appear by the oath of credible persons, and if at any time it shall appear to the Clerk, the Court, the Judge, the Justice of the Peace, or officer aforesaid, that any bond given is insufficient, or that any security therein has died, removed from this Territory, or become, or is likely to become, insolvent, said Clerk, Court, Judge, Justice of the Peace, or officer shall order another bond, with other and further security to be given, ten (10) days previous notice in writing having been given to the principal or principals in said bond, or any one of them, or to his or their agent or attorney, of the application for such order, and if the principal or principals, his or their agent or attorney, or other person for him or them, shall fail to comply with such order within twenty (20) days after the same shall be made, the suit, cause, or proceeding in which such bond is required, shall be treated as dismissed, without further order in that behalf.

SEC. 3. Where no Clerk is provided in a Probate Court who might record the bonds required to be recorded in this act, the recording thereof shall be done by the Judge of such Probate Court.

It shall be the duty of the Clerks of the District and Probate Courts, or the Judges of the latter, to cause a separate book or record to be kept in the offices of such Courts in which such bonds shall be recorded, with an appropriate index thereto.

SEC. 4. The record, or a copy of any bonds, required by this or any other act to be recorded, may, in case of the loss or destruction of the original, be read in evidence with the same effect that the original bond might have been read, and such copy shall be deemed sufficient, when certified to by the Clerk or Judge of the Court in which the same is recorded, under the seal of such Court, and when any such bond shall have been given and recorded on the docket of a Justice of the Peace, the record, or a copy

thereof shall be deemed sufficient when certified to by the Justice of the Peace having such docket in his possession.

Approved February 7, 1876.

AN ACT

To Establish a Territorial Board of Health.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That a Board is hereby established, which shall be known under the name and style of the Territorial Board of Health. It shall consist of nine members, as follows: a President, Secretary, and seven members, who shall be appointed by the Governor; and the members first appointed, with the exception of the Secretary, shall be so designated by the Governor that the term of office of two shall expire every two years, on the last day of January. Thereafter, the Governor, with the consent of the Council, shall biennially appoint two members, to hold their office for six years, ending January thirty-first. Any vacancy in said Board may be filled, until the next regular session of the Legislature, by the Governor.

SEC. 2 The Territorial Board of Health shall have general supervision of the interests of health and life of the citizens of this Territory. They shall especially study the vital statistics of the Territory, and endeavor to make intelligent and profitable use of the collected records of death and sickness among the people. They shall carefully study the influence of the climate upon disease and health in different localities in the Territory, for the benefit of the citizens thereof, as well as for the large number of invalids who seek relief in Colorado. They shall make sanitary investigation and inquiries respecting the cause of disease, and especially of epidemics; the causes of mortality; and the effect of localities, employments, conditions, ingesta, habits, and circumstances, on the health of the people. They shall, when required, or when they deem it best, advise with

the officers of the government, or other State boards, in regard to the location, drainage, water supply, disposal of excreta, heating, and ventilation, of any public structure or building. They shall, from time to time, recommend standard works on the subject of hygiene for the use of the schools of [the] Territory.

SEC. 3. The Board shall meet semi-annually at Denver, and at such other places and times as they deem expedient. A majority shall be a quorum for the transaction of business. Should the office of President or Secretary become vacant, by death or otherwise, the Board may fill said office from their number at the next regular meeting.

SEC. 4. The Secretary shall hold his office so long as he shall faithfully discharge the duties thereof, but may be removed for just cause at a regular meeting of the Board, a majority of the members voting therefor. He shall keep his office at Denver; and shall perform the duties prescribed by this act or required by the Board. He shall keep a record of the transactions of the Board; shall have custody of all books, papers, documents, and other property, belonging to the Board which may be deposited in his office; shall, so far as practicable, communicate with other State boards of health, and with local boards of health within the Territory; he shall keep and file all reports received from such boards, and all correspondence of the office appertaining to the business of the Board. He shall, so far as possible, aid in obtaining contributions to the library and museum of the Board. He shall prepare blank forms of returns, and such instructions as may be necessary, and forward them to the clerks of the several Boards of health throughout the Territory. He shall collect information, with the assistance of each member of the Board, concerning vital statistics, knowledge respecting disease, and all useful information on the subject of hygiene; and, through an annual report, and otherwise, as the Board may direct, shall disseminate such information among the people. It shall be his duty to act as correspondent in answering all inquiries made by non-resident physicians and invalids, who

are at liberty to call upon him for special information as to the sanative influence of this climate.

SEC. 5. The Territorial Board of Health shall have the general direction and control of the system of vital statistics of the Territory, in so far as the editorial work and statistical plans of the same are concerned.

SEC. 6. It shall be the duty of all health physicians, and also of the clerks of local Boards of Health of each town, village and city, and the regular physician of each public institution in the Territory, at least once in each year, to report to the Territorial Board of Health, their proceedings and such other facts as may be required by said Territorial Board.

SEC. 7. In order to afford to the Board better advantages for obtaining knowledge important to be incorporated with that collected through special investigation, and from other sources, it shall be the duty of all officers of the Territory, the physicians of all mining or other incorporated companies, or the president or agent of any company chartered, organized, or transacting business under the laws of this Territory, so far as is practicable, to forward to the Territorial Board of Health any information which they possess bearing upon public health which may be requested by said Board for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on the subject.

SEC. 8. The Auditor shall provide a suitable office room at Denver for the meetings of the Board, and for the use of the Secretary, which, with all blanks, printing and binding, stationery, and postage, required by the Board for the purpose of accomplishing the work for which it is hereby created, shall be paid for out of the Treasury of the Territory; *Provided* such expenses shall not exceed the total sum of five hundred dollars.

Approved February 10, 1876.

AN ACT

To Provide for the Representation of the Territory of Colorado at the Centennial Exhibition.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the concurrent resolution approved January 24, 1874, providing for appointment of Centennial Board of Managers, be and the same is hereby repealed

SEC. 2. For the purpose of representing Colorado at the Centennial Exhibition, there shall be appropriated the sum of ten thousand dollars out of any funds not otherwise appropriated.

SEC. 3. The Governor shall appoint, by and with the consent of the Council, two Commissioners for the Territory of Colorado. Said Commissioners shall have charge of all articles or products to be exhibited, and shall have authority to receipt for all special articles for which a receipt may be required. They shall have charge of and be accountable for all articles or products donated to this Territory for exhibition at the Centennial Exhibition. They shall have power to make such arrangements for space as they may deem necessary, and to prepare the same for the proper display of articles, and to make such other arrangements for the exhibition as is necessary; to draw warrants upon the Treasurer of the Territory (with sworn vouchers) attached for the same, all such warrants to be countersigned by the Governor; but, in no case, shall the sum or sums so drawn exceed in the total the sum of ten thousand dollars (\$10,000), said warrants to be drawn on any funds in the treasury not otherwise appropriated by any of the acts of the eleventh Legislative Assembly of Colorado Territory; and the Auditor of the Territory is authorized and requested to write across the face of said warrants the words, Centennial Exhibition.

SEC. 4. All counties, districts, or individuals, wishing to

send articles to said Exhibition, may do so by delivering the same in shipping order at the depots of any railroads located in the City of Denver or city of Pueblo, where said articles are to be taken in charge by said Commissioners for the Territory, and cared for and transmitted to (and from the Exhibition, if required) free of any and all costs or expenses to said counties, districts, or individuals; *Provided*, That neither the Territory nor the Commissioners shall be responsible to the owners thereof for the safe transportation or custody of any of said articles.

SEC. 5. The Commissioners appointed shall give their personal attention to the display of such articles as are sent, and give such information to the public, there and elsewhere, as they may deem necessary for the interests of the Territory, either by printed circulars, statements, or otherwise.

SEC. 6. The said Commissioners shall each receive a compensation of \$150 per month for their services, commencing the 1st day of March, 1876, and ending November 1st, 1876, and for no longer; and shall give a bond, to be approved by the Governor and Territorial Treasurer, in the sum of \$10,000, for the faithful expenditure of said sum hereby appropriated

SEC. 7. The Commissioners so appointed may, at their discretion, employ an assistant or substitute, in case they cannot, from any cause, attend to the duties herein prescribed; *Provided*, said assistant or substitute be compensated for such services by the Commissioners out of the said allowance of \$150 per month, and not otherwise.

SEC. 8. If the fund provided for in this act shall not be exhausted by the Commissioners, the residue shall be transferred from the same to the several appropriations made at the present session of the Legislative Assembly, in proportion to their respective amounts.

Approved February 11, 1876.

AN ACT

Concerning the Adoption of Children.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. If any person in this Territory shall desire to adopt any child, or children, as his, or her heir, it shall be lawful for such person to do the same by deed, which deed shall be executed, acknowledged and recorded in the county of the residence of the person executing the same, as in the case of conveyance of real estate.

SEC. 2. A married woman, by joining in the deed of adoption with her husband, shall, with her husband, be capable of adopting any child or children.

SEC. 3. From the time of filing the deed with the Recorder, the child or children adopted shall have the same right against the person or persons executing the same for support and maintenance, and for proper and humane treatment, as a child has by law against lawful parents; and such adopted child shall have in all respects, and enjoy all such other rights and privileges, including the rights of inheritance, as against the persons executing the deed of adoption, as a child by law has against lawful parents.

SEC. 4. In all cases contemplated by the provisions of this act, the District or Probate Court of the proper county shall have power, in its discretion, to change the name of any child adopted, as herein provided, and by order, to that effect, recorded in the record of its proceedings, and this may be done upon a petition filed for that purpose by the person or persons adopting such child.

SEC. 5. The consent of the parents or guardian of such child shall, in all cases, be necessary, and the consent of such, or of the surviving parent, shall be endorsed upon the deed mentioned in the first section of this act.

Approved January 28, 1876.

AN ACT

To Defray the Expenses of the Convention, which met in Denver on the 20th day of December, A. D. 1875, to Frame a Constitution for the State of Colorado.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The members of said Convention shall receive the same sum for their services per day as the members of the Legislature at its eleventh session, and the same sum for mileage for the same distance.

SEC. 2. The officers of said Convention shall receive the same sum per day as the officers of the Legislative Assembly at its eleventh session for like services.

SEC. 3. The members and officers of said Constitutional Convention shall receive pay as aforesaid not to exceed sixty-five days.

SEC. 4. The members and officers of said Convention each shall be entitled to receive a certificate stating the capacity in which they acted in said Convention and for the length of time they respectively served, signed by the President of the Convention, and countersigned by its Secretary, and, on presentation to the Territorial Auditor, he shall add the amount of mileage the members are entitled to, and he shall draw his warrant in the name of the person entitled to the same, whether member or officer of said Convention, on the Territorial Treasurer for the full amount due each.

SEC. 5. For the payment of the above mentioned sums, and also for the payment of rent, fuel, lights, stationery, printing, and other contingent expenses of said Constitutional Convention, there is hereby appropriated out of the funds of the treasury not otherwise appropriated the sum of twenty-six thousand (\$26,000) dollars, to be held as a fund for that special purpose, and it shall be the duty of the Territorial Treasurer to pay said warrants from said fund only; *Provided, nevertheless, That, if the Congress of the*

United States shall appropriate any sum of money to pay the expenses of the said Constitutional Convention, the same shall be applied to reimburse the Territory for the money so appropriated as provided in this act. Said warrants to be drawn on the treasury, and paid out of any funds not otherwise appropriated by any act of the eleventh Legislative Assembly of Colorado Territory, and to be by the Auditor endorsed, across the face of said warrants, "Constitutional-Convention."

Approved February 11, 1876

AN ACT

To amend Section Nineteen (19) of Chapter Seventeen (17) of the Revised Statutes of Colorado concerning Conveyances.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the word "party" occurring in the twentieth line of said section nineteen (19), of said chapter seventeen (17) of the Revised Statutes, be stricken out and the word "person" inserted in lieu thereof, and that immediately after the word "aforesaid," in the last line of said section nineteen, the following, which shall be taken and deemed a part thereof: "*Provided* nothing in this section shall ever be construed to compel a person to make an affidavit of the loss of any original deed, bond, agreement, or instrument in writing, unless such person be a party to the same."

Approved February 11, 1876.

AN ACT

To amend Chapter Eighteen (18) of the Revised Statutes of Colorado Territory, entitled "Corporations."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. Section one (1) of the act to which this is

amendatory is hereby repealed, and the following is enacted instead thereof: "At any time hereafter, three or more persons desiring to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical, agricultural or chemical business; to construct wagon roads, railroads, telegraph lines, ditches, canals, bridges, flumes, tunnels, or carry on any branch of business designed to aid the industrial or productive interests of the country, or to establish and maintain colleges, seminaries, musical or scientific associations, may make, sign and acknowledge before an officer competent to take the acknowledgment of deeds, certificates in writing, in which shall be stated the corporate name of the said company, the objects for which the company shall be created, the amount of the capital stock of said company, the term of its existence not to exceed twenty (20) years, the number of shares of which the said stock shall consist, the number of trustees of said company, and their names, who shall manage the affairs of said company for the first year of its existence, the name of the town or the place, and the county in which the principal office of the company shall be kept, and the name of the county in which the principal business of the company shall be carried on, and they shall make as many of such certificates as may be necessary, so as to file one in each of said counties, and one in the office of the Secretary of this Territory, and when any company shall be created under the laws of this Territory for the purpose of carrying on part of its business beyond the limits thereof, such certificates shall state that fact, and shall also state the name of that town and county in this Territory in which the principal office of said company shall be kept, and shall state the name of that county in which the principal business of such company is to be carried on within this Territory "

SEC 2. Section four (4) of the act to which this is amendatory is hereby repealed.

SEC. 3. Section fifteen (15) of the act to which this is amendatory is hereby amended by striking out of said section (6)

tion every part thereof after the words "carried on," in the twelfth (12) line thereof, and the following is enacted instead of the part so stricken out, viz: "And, if any such company shall fail so to do, the President and Secretary of such company shall forfeit and pay the sum of two hundred dollars, and shall be jointly and severally liable in an action of debt at the suit of the people of the Territory of Colorado therefor; and, when such sum shall be collected, it shall be paid into the Territorial treasury, to the credit of a fund for the use of the public schools of this Territory."

SEC. 4. Section forty-eight (48) of the act to which this is amendatory is hereby repealed, and the following is enacted instead thereof: When any railroad, telegraph, flume, wagon road, ditch, or canal company heretofore organized, or that may be hereafter organized under the statutes of this Territory; or any such company, chartered by any State or Territory, which is doing business, or intends to do business, in this territory, shall not have acquired in any manner any real estate required for the construction or maintenance or necessary use of such railroad, telegraph, flume, wagon road, ditch, or canal; or which may be affected by any operation connected with the construction or maintenance of the same; or which may be required by any railroad company for the construction of side-tracks or switches, to enable such railroad company to reach and transport the products of coal mines, quarries of stone, or other material, or mines of any kind whatever,—such company may present, at any time, to the Probate Court of the county in which such real estate shall be, at a regular term thereof, a petition signed by the President, agent, or attorney of the same, describing with reasonable certainty, by map or otherwise, the real estate required to be taken or which may be affected, as aforesaid, setting forth the name and residence of the owner, or other person interested therein as lessee or incumbrancer, as far as known to such President, agent, or attorney, or as may appear of record, praying the appointment of three appraisers, to ascertain the compensation to be made to such owner, and

other persons interested, if any, for taking or injuriously affecting such real estate as aforesaid

The Probate Court shall be satisfied that personal notice of the time and place of the presentation of such petition for the appointment of appraisers has been given ten (10) days previously in writing to such owners, or persons interested; or, if they shall reside out of the county where such real estate is situate, he shall have proof that they have been notified of the presentation of such petition by publication in a newspaper printed in the county in which such real estate is situated, or, if no newspaper is published in such county, then by posting three or more notices thereof in as many public places in said county: and, when such constructive notice has been given, it must appear by the affidavit of such President, agent, or attorney, that such persons so interested as aforesaid have no residence in such county; and such notices by publication or posting shall be so published or posted twenty (20) days before the time fixed for the presentation of said petition.

The Probate Court may adjourn the proceedings from time to time, and shall direct any further notice thereof to be given that may seem proper to said Court; and shall hear the evidence of the parties interested touching the regularity of such proceedings, and, if satisfied thereof, it shall, by an entry in a record book to be kept by him for proceedings under this section, appoint three disinterested appraisers for the purpose aforesaid, stating in such entry a time and place for the first meeting of such appraisers.

The appraisers, before entering upon their duties as such, shall take and subscribe on [an] oath that they are in no manner interested in the condemnation of such real estate, to the use of such company, that they will without favor or partiality, discharge all their duties, as appraisers, and make a true report of their action in the premises to said Court. Any one of said appraisers may administer oaths to witnesses before them; may issue subpoenas, and compel witnesses to attend their meetings, and testify, and may adjourn and hold meetings in the discharge of their duty,

giving reasonable previous notice to the owners of said real estate, and all parties interested in their proceedings.

The appraisers shall hear the proofs and allegations of both parties to such proceedings; they shall review the premises sought to be condemned, and any two of them may fix and report the compensation, which, in their judgment, should be made to the owners or parties interested, for the real estate to be taken or injuriously affected, as well as all damages accruing to the owners or parties interested, in consequence of the condemnation of the same.

The appraisers, or a majority of them, shall make, subscribe and file in the said Probate Court, a report of their said assessment, in which such real estate shall be described with sufficient certainty and accuracy, whereupon such Court having evidence that the sums of money awarded in such report have been paid to the parties entitled to the same, or have been deposited to the credit of such parties in the County Treasury, shall enter in the record book aforesaid a statement of the proceedings had before him, substantially setting forth and relating the same, describing the real estate in manner aforesaid, stating the ascertainment of the compensation to be paid for taking or injuriously affecting the same, the damages accruing to the owners or parties interested, in consequence of the condemnation of the same, and stating also any payment or deposit of money for the use of such owners or persons interested as aforesaid, a certified copy of which said statement, under the hand of said Judge, and the seal of the Probate Court, shall be recorded, and indexed in the office of the Recorder of the county in which such real estate is situated, in like manner and with like effect, as if it were a deed of conveyance from the said owners and parties interested in said real estate, to said company.

Upon the entry of such statement such company may take possession of, and hold, and use the same for the purposes of said company, and shall thereupon be discharged from all claims for any damages occasioned by reason of any matter specified in such petition, report of appraisers,

or statement of said Court; *provided*, however, that when any railroad track, ditch, canal, flume, telegraph line, or wagon track, shall cease to be used for such purposes, all the right, title, and property arising from the condemnation thereof, under this section, shall forever cease and determine, anything in this act to the contrary notwithstanding, and the land so condemned as aforesaid, and abandoned, shall revert to the former owners thereof.

The lands claimed by persons under pre-emption, homestead, or other laws of the United States, may be condemned as is provided herein for the condemnation of other lands, and when so condemned the company causing the condemnation thereof, shall have the right to enter upon and take and hold possession of all that part thereof which shall be described in the petition of said company and statement of said Judge, and the proceedings to condemn the same shall conform substantially to the proceedings required in other cases. If at any time after an attempted or actual condemnation of real estate, or property under this section, or after any purchase by or gift to said company, of real estate or property, for the purposes of aforesaid, it shall appear that the title acquired thereby to all or any part of any such real estate or property, for the use of said company, is defective or incomplete, or if any proceeding under this section shall have been defective from any cause, said company may proceed to perfect such title, by procuring through new proceedings, under this section, the ascertainment of the compensation proper to be made, and damages to be paid to any person who has any title, or interest in or lien upon such real estate or property, and upon such ascertainment of compensation and damages, by such company making payment therefor in the manner herein before provided.

At any stage of such new proceedings, or of any proceeding under this article, the Probate Court may, by an order in that behalf by it made at any regular term thereof, authorize such company, if not in possession, to take possession of and use the real estate or property required for

its use, as aforesaid, and if already in possession thereof to hold and use the same during the pendency, and until the conclusion of such proceedings and the said Court shall prohibit and stay all actions and proceedings against such company on account thereof *Provided* such company shall before such order of the Probate Court, first deposit a sufficient sum in the County Treasury, to be approved by said Court, or give approved security, to cover the compensation and damages in that behalf, when ascertained; and in every case where possession shall be so authorized by said Court, it shall be lawful for the owners of such real estate, or property, to conduct the proceedings for condemnation to a conclusion, if such company shall delay the same without sufficient cause. The said appraisers shall receive five (5) dollars per day, as compensation, for each day actually employed in the discharge of their duties; to be taxed and allowed by said Court against the said company. If any appraiser shall be unable or fail to serve, the Court shall appoint another in his place as soon as notified of such inability or failure. Petitions for the condemnation of real estate or property may be presented to the Judge of a District Court, at any time, in the same manner as is herein provided, at any regular term thereof; and such Court shall cause the same proceedings to be taken with the same effect as proceedings are herein required to be taken in the Probate Court.

SEC. 5. Persons associating themselves for the purpose of building a bridge or bridges over any water course shall set forth in their articles of association the place at which such bridge, or places at which such bridges, are to be erected; and shall, in other respects, comply substantially with this act in regard to such articles.

SEC 6 Section thirteen (13) of the act to which this is amendatory is hereby amended by inserting after the word "may," in the first line thereof, the words "contract for work and labor"

SEC. 7. Corporations may appear, and plead, answer, and demur, in the same form and manner, and with the same

effect as real persons may do the same in all the courts of this Territory.

SEC. 8. The capital stock of companies hereafter organized under the laws of this Territory shall be paid in as follows, viz: twenty-five per cent. thereof within one year, and the remaining unpaid portion thereof within five years from the date of incorporation, or the same shall be dissolved.

SEC. 9. After an execution shall be issued against a corporation, and returned "No property found," or "Not satisfied," and an affidavit shall have been filed, also, in the Court where the judgment was rendered, that there is no real property, goods, chattels, or effects of the corporation in this Territory subject to execution,—a stockholder may be summoned and proceeded against as garnishees are in other cases; and, if a writ of attachment is issued against a corporation, no stockholder shall be summoned as a garnishee under it until such an affidavit as is above required shall be made and filed in the Court in which the attachment is pending. and such affidavit as is required in either of the above cases may be made by a plaintiff, his agent, or his attorney, in the cause.

SEC. 10 Appeals shall be allowed, as in other cases at law, from any final order or decision made or rendered by any Probate Court or District Court under the provisions of this act, and the appellate Court, except the Supreme Court, may, in its discretion, appoint three new appraisers; and no order or decision of any Judge or Court, made or rendered under the provisions of this act, shall be plead in bar to any action for damages or proceedings in equity instituted by any person claiming to be aggrieved by any entry upon his lands by any corporation or its agents.

SEC. 11. Any corporation may, at any time, but not more than once, amend its name by filing, in each office where its articles of association were originally filed, a statement of the new name as adopted by the trustees, with an impression of a new seal corresponding thereto, with a certificate

duly acknowledged of the adoption of such new corporate name and seal.

SEC. 12. Along with each copy of its articles of association each corporation shall file an impression of its corporate seal, and such corporate seal and no other shall be the common seal of the corporation.

SEC. 13. In addition to matters required to be stated in their articles of association, any corporation organizing under the laws of this Territory, may insert any other lawful clause or clause [clauses] which they may desire to exist as a part of their charter, and in any such case such provision shall be of full force and effect, and shall only be amended in the same manner as other portions of the charter may be amended

SEC. 14. In all cases where any incorporated company, for any of the purposes aforesaid, shall have heretofore made, or shall hereafter make, appropriation or use of any lot or lots, land, or lands, not belonging to such company at the time of such appropriation or use made, or to be made, either by the construction of a road over the same, by erection of any structure thereon, or in any other manner; and such company shall not have presented a petition to the Probate Court, as in this act provided, within thirty days after such use or appropriation first made, and such company shall not have made full and complete satisfaction to the rightful possessor or owner of such lot or lots, land or lands, then and in such case the rightful possessor or owner of such lot or lots, land or lands, may commence proceedings against such company, and prosecute the same in the same manner substantially as is herein provided for such company to commence and proceed; in which case notice of the petition may be served upon any officer of the company in such manner as the Probate Judge may prescribe, and such proceeding shall, as near as may be, conform to the proceedings required by this act to be had by a company or corporation.

SEC. 15. All associations or corporations formed or or-

ganized and doing business in this Territory, under the provision of the law to which this act is amendatory, where there has been in such formation or organization, a substantial compliance with said law, shall be held and deemed to be corporations, and shall be liable to all penalties and forfeitures, and also shall be entitled to all the benefits and advantages of this act, as fully as though organized under the provisions hereof.

SEC 16 That any religious, educational, musical, library, or other incorporation intended for the benefit of all persons who will avail themselves of the privileges thereof, and any person who is the trustee for any fund designed to aid and benefit any of the purposes before mentioned, may receive gifts, grants, devises and bequests of either real or personal property, for such use or purpose.

SEC. 17, This act to take effect on the first day of March, A D 1876.

Approved February 11, 1876.

AN ACT

To amend Section Fifteen, of Chapter Eighteen, of the Revised Statutes, concerning Corporations.

Be it Enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That Section fifteen (15) of Chapter eighteen (18) of the Revised Statutes of Colorado, concerning Corporations, be, and the same is hereby amended as follows: The words, "then existing, and for all that shall be contracted before such report shall be made," in the last two lines of said section, are hereby repealed, and the following words are enacted in lieu thereof, to wit: "that had been contracted or incurred since the publication of the last annual report, and for all that shall be contracted before such report shall be made"

Approved February 11, 1876.

(7)

AN ACT

To Amend Chapter Eighteen of the Revised Statutes of Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory.

SECTION 1. That section fifty-two (52) of chapter eighteen (18) of the Revised Statutes of Colorado Territory be and the same is hereby amended by adding thereto the following words, to-wit: "And, for all purposes in this act contained, the President of the Board of Trustees of any incorporated town shall be deemed and construed to be the Mayor of such town."

Approved February 7, 1876.

AN ACT

To Amend Chapter Eighteen of the Revised Statutes of Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section fifty-two (52) of said chapter eighteen (18) be and the same is hereby amended by inserting after the word "them" the following words: "but for not less than seventy-five (75) per cent of their par value."

SEC. 2. That section fifty-three (53) of chapter eighteen (18) of the Revised Statutes of Colorado be amended so as to read as follows: "No such bonds shall be issued unless application in writing be made to the County Commissioners of any county, or the Mayor of any city or town, in this Territory or State, of at least one hundred legal voters of such county, city, or town, each one of whom shall be taxpayers in such county, city or town, for the approval of subscription to stock and issue of bonds by the legal voters of such county, city, or town; then it shall be the duty of said Commissioners or Mayor, within ten days after such application, to call a meeting or election of the legal voters of

such county, city, or town, to approve and vote the subscription of stock and authorize the issue of bonds (unless such County Commissioners or Mayor should have presented to them a remonstrance against such election, signed by a number of tax payers equal to the petition). Public notice of such election shall be given thirty days prior to the day of such election in any newspaper published in such county, city, or town. If no newspaper is published there, notice shall be posted, at least thirty days prior to such election, at the usual place of holding elections, in each precinct in such county, city, or town; and such elections shall be held, conducted, and the votes returned and canvassed, according to the laws then regulating elections; *Provided*, That no person who has not been a bona fide resident of such county, city, or town, for one year prior to such election, and who shall not have paid taxes on at least one hundred dollars' worth of property in such county, city, or town, for the year next preceding such election, shall be permitted to vote at any election held under the provisions of this act. If, upon canvassing the votes cast at any such election, it shall be found that two-thirds of all the votes cast are in favor of such subscription of stock and issue of such bonds, then such stock and bonds shall be issued accordingly. Whenever said Commissioners or Mayor may deem it expedient to sell or transfer such stock in liquidation and redeem such bonds, the same approval of the legal voters shall be had, and proceedings as aforesaid; and the proceeds of sale of such stock shall be exclusively applied to purchase, liquidate, or redeem such bonds and interest thereon.

SEC. 3. Any person not known to the judges of elections held under this act to be a qualified voter according to the provisions of section two (2), shall be required to exhibit to the judges of such election a receipt from the Treasurer of such county, city, or town, for his taxes for the year previous to such vote being offered.

SEC. 4. This act shall not apply to bonds heretofore voted, nor to bonds authorized to be voted by special law.

Approved February 11, 1876.

AN ACT

To Amend Chapter Eighteen of the Revised Statutes of Colorado Territory, entitled "Corporations."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That article two (2) of chapter eighteen of the Revised Statutes of Colorado Territory, entitled "Corporations," be and the same is hereby amended so that any and all corporations organized under the provisions of said chapter for the purpose of providing, holding, maintaining, and keeping in repair, a place or places for the burial of the dead, may receive and hold, by gift, devise, grant, purchase, or otherwise, property, real and personal, or either, not exceeding in value the sum of one hundred thousand dollars.

SEC. 2 That said article two be and the same is hereby further amended so that corporations organized under said chapter eighteen for the purpose or purposes mentioned in the foregoing section shall not be compelled to wait until the final dissolution of the corporation before declaring dividends upon its stock, but may declare dividends from time to time, in the same manner as any other corporation formed under the provisions of said chapter is allowed by law to do.

Approved February 11, 1876.

AN ACT

Concerning Costs in Criminal Cases.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. Hereafter no person shall be prosecuted, nor held to bail in any Justice's, Probate or District Court, except there shall be first filed with the Justice of the Peace

or Clerk of the Court in which such prosecution is instituted, the affidavit of some person which shall contain a statement of the facts relied upon to support such prosecution, and such person styled the prosecuting witness.

SEC. 2. If, upon the trial or hearing of any such case, or examination, it shall appear that such prosecuting witness had not sufficient cause to make such complaint, and the person charged, shall, upon such hearing or trial, be acquitted or discharged, it shall be the duty of the Court or Justice before whom the same is tried, to tax all the costs against such prosecuting witness, and enter a judgment against him therefor.

Approved February 7, 1876.

AN ACT

Concerning Costs in Criminal Cases.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The costs in criminal cases shall be paid by the county in which the offense is committed, when the defendant shall be convicted and shall be unable to pay them. In all cases in which the defendant is acquitted, the costs shall be paid by the county in which the offense was committed, unless the prosecutor shall be adjudged to pay them; and the County Commissioners of any county may, in their discretion, pay the costs of preliminary examinations, except in cases of preliminary examinations in which the prosecutor shall have been adjudged liable to pay the costs.

Approved February 11, 1876.

AN ACT

Concerning Costs in Certain Cases.

*Be it enacted by the Council and House of Representatives of
Colorado Territory:*

SECTION 1. In all cases hereafter tried where any person or persons has made, or shall hereafter make application for a patent to any lode, claim, placer claim, mill site, or other mining property, under and in pursuance of the mining laws of the United States, and any other person or persons claiming adversely to such applicant has filed, or shall hereafter file, an adverse claim in the proper land office, and has brought, or shall hereafter bring, suit or suits, either at law or in equity, for the purpose of determining the title, or right of possession, to such mining property, or any part thereof, if such adverse claimant, being plaintiff in such suit or suits, shall prevail so as to recover costs therein, he shall also recover and be entitled to tax as a part of his said costs all disbursements and expense necessarily incurred and paid by him for plats, abstracts, and copies of papers filed in said land office with his said adverse claim, and also a reasonable counsel fee, not exceeding fifty dollars in any case, for the expense of preparing his said adverse claim.

SEC. 2. In all actions of ejectment hereafter brought to prevent the entry of mining property under the Revised Statutes of the United States concerning mineral lands and the amendments thereto, if the identity of the vein or veins in controversy shall become material to the decision of the issue, the burden of proof shall be upon the defendant to establish such identity. In all cases to which either section of this act shall apply, the plaintiff shall state in his declaration, and shall have leave to amend his declaration to such effect if necessary, that his suit is brought in support of an adverse claim in the United States Land Office."

Approved February 11, 1876.

AN ACT

To Amend "An Act in Relation to the Publishing of Detailed Statements by the County Commissioners," Approved February Sixth (6th), A. D. 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section one (1) of the act to which this is amendatory is hereby amended by striking out all of the same after the word "county," in the ninth (9th) line thereof, and insert instead thereof the following: "such County Commissioners shall cause such statement to be published in the newspaper published nearest to the county seat of said county."

Approved February 7, 1876.

AN ACT

To authorize the Board of County Commissioners of Gilpin County to borrow money to erect County Buildings.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The Board of County Commissioners of Gilpin County are hereby authorized and empowered to borrow upon the credit of said county, any sum of money not exceeding twenty-five thousand (\$25,000) dollars, for the purpose of purchasing, erecting, maintaining, improving and repairing county buildings, at the county seat of said county.

SEC. 2 For this purpose, said Board of County Commissioners may issue coupon bonds in the name of the county, said bonds not to exceed in the aggregate, the amount mentioned in Section One (1) of this Act, and not to bear a greater rate of interest than ten (10) per cent. per annum, and to be made payable in not more than ten (10) years after date.

SEC. 3. The bonds issued as provided for in Section Two (2) of this Act, shall be signed by the Chairman of the Board of County Commissioners, attested by the County Clerk, and numbered and dated in the order of their issuance.

SEC. 4. The Clerk of the Board of County Commissioners shall keep a correct and faithful record of all the bonds issued by virtue of this Act, also, the number and amount of each bond and coupon, to whom issued, and the date of such issuance.

SEC. 5. To provide for the annual payment of the interest accruing on the bonds issued under the provisions of this act, and for the ultimate redemption of such bonds, the Board of County Commissioners shall levy a tax of not less than one and one-half ($1\frac{1}{2}$) mills nor more than three (3) mills on the dollar upon all taxable property in the county of Gilpin, each year, so long as may be necessary for the redemption of such bonds and coupons; which tax, when collected, shall be kept by the County Treasurer as a separate fund, to be designated the "county building fund," which shall be applied to and used for the purposes named in this act.

SEC. 6. It shall be the duty of the Board of County Commissioners, at each quarterly session thereof, to examine the books and accounts of the County Treasurer; and, if it shall appear that there are sufficient funds in his hands to the credit of said "county buildings' fund" to pay in full the principal and accrued interest of any of such bonds, it shall be the duty of such Board to immediately call in and pay as many of such bonds and accrued interest thereon as the funds ascertained to be on hand will liquidate: and said Board shall thereupon cancel such redeemed bonds and all uncanceled interest coupons issued therewith. The bonds shall be called in and paid in the order of their issuance, as nearly as may be practicable; and all bonds called in for redemption by said Board shall cease to bear interest on the expiration of ten (10) days after public notice thereof shall

have been given in the newspaper or newspapers published at or nearest to the county seat of said county.

SEC. 7. In no case shall any of the bonds authorized by this act be negotiated, sold, or used, at less than eighty-three and one-third ($83\frac{1}{3}$) per cent. of their par value.

SEC. 8. Before proceeding under any of the provisions of this act, the Board of County Commissioners, upon receiving a petition signed by two hundred of the legal voters of the county requesting them so to do, shall order an election, at which the question of issuing bonds shall be submitted; or may submit such question, if they deem proper, at any general election, or at the election to be held for the adoption or rejection of the Constitution. If, at such an election, two-thirds of the legal voters (voting at such an election) shall have voted in favor of the issue of such bonds, then the Commissioners of said county shall proceed to issue such bonds for the purpose named in this act.

Approved February 11, 1876.

AN ACT

Authorizing the County Commissioners of Huerfano County to levy a Special Tax for the purpose of Building a Court House.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the County Commissioners of Huerfano County may and are hereby authorized, if they deem it advisable, to levy a special tax of not less than one (1) mill, nor more than two (2) mills to the dollar, of the assessed value of property in said county, each year, for seven years, for the purpose of erecting a court house for said county. Which fund shall, when collected, be kept as a separate fund for such purpose, by the Treasurer of said county, and shall be paid out by him on the order of the County Commissioners of said county.

Approved February 9, 1876.

AN ACT

To amend Section Forty-three (43) of Chapter Twenty (20) of the Revised Statutes of Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION I. That Section Forty-two (42) of Chapter Twenty (20) of the Revised Statutes of Colorado Territory, be, and the same is hereby amended, by striking out the words "a majority," in the ninth (9) line of said Section, and inserting instead thereof the words "two-thirds," ($\frac{2}{3}$), and by inserting in the tenth (10) line of said Section, before the word "votes," the word "legal," *Provided*, That this Act shall not apply to the counties of Weld, Clear Creek, Summit, Grand, San Juan, La Plata and Elbert.

Approved February 9, 1876.

AN ACT

To establish the County of San Juan.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION I. That the county of "San Juan" is hereby created and established, with the legal capacity and functions of the other counties of the Territory, and with boundaries as follows: "Commencing at a point on the western boundary of Hinsdale County, nine miles south of where it intersects the tenth (10th) connection line north; running thence due west to the western line of the Territory; thence north along such line to a point ten (10) miles north of the 38th parallel of north latitude, thence east to a point on the summit of the Main Range of mountains, dividing the waters of the Uncompahgre and Animas rivers from the waters of the Lake Fork of the Gunnison; thence in a southerly direction, along the summit of said

range to a point at the head of the North fork of Pole creek; thence down said creek to the present boundary line between Hinsdale and La Plata counties; thence due south, along said line, to the place of beginning; and the boundary lines of La Plata and Hinsdale counties are hereby changed to correspond with the provisions of this act."

SEC. 2. The county seat of the county of "San Juan" shall be temporarily located at the town of Silverton. The county seat of the county of La Plata shall be temporarily located at Parrott City.

SEC. 3. All county records, or other county property heretofore belonging in or to the county of La Plata, shall hereafter be the property of and retained in the county of San Juan; which county shall possess all the rights and privileges of the older or original county, and be so considered in all matters, except name and so much of the Territory—and rights belonging thereto—as may be embraced within the boundaries of the new county of La Plata

SEC. 4. From and after the taking effect of this act, it shall be legal and valid, and is hereby required to substitute the name "County of San Juan," for "County of La Plata," in all processes of law in civil or criminal cases now pending or that may be hereafter instituted in said county of San Juan; and in all papers of whatever kind that will necessarily belong in, or to, such portion of territory as shall be embraced in San Juan County; and such papers or processes, shall remain in full force and effect, to the same intent and purpose as if the change in name had not been made.

SEC. 5. All cases, civil or criminal, now pending in the Probate Court of La Plata County, wherein the cause of action accrued within the territory now embraced within the new county of "La Plata," or wherein the defendant or defendants reside therein, shall be, as soon as said new county of La Plata is organized, transferred by the Clerk

or Judge of said Probate Court, to the Court of like jurisdiction for said new county of La Plata.

SEC. 6. All county and precinct officers of the county of La Plata as at present constituted, may and are hereby authorized to retain their offices, and perform the duties of such offices, for and in the county of San Juan, for and during the term for which they have been elected, or appointed, except such officers as may reside within the territory embraced in the county of La Plata, as created by this act. The offices of such officers shall be and become vacant on the taking effect of this act, and such vacancies shall be filled as is now provided by law, and the Governor is hereby authorized to appoint all officers required by law for the county of La Plata, as constituted by this act.

SEC. 7. The present indebtedness of La Plata County shall be apportioned between the counties of "San Juan" and "La Plata," in proportion to the taxable property in each, as shown by the assessment rolls of said counties for the year A. D. 1876, or, in case no assessment should be then made, by the first assessment made thereafter, and the Governor shall have power to appoint some disinterested person to arbitrate and settle such accounts, whenever notified by the County Commissioners of either county of their inability to settle without such arbitration.

SEC. 8. Section one of an act entitled "An Act to Provide Terms of Court in the Third Judicial District," approved February 13th, 1874, is hereby amended by striking out the name "La Plata," and inserting in lieu thereof "San Juan," so that it shall read "in the county of San Juan, on the fourth (4th) Monday in August.

SEC. 9. The county of La Plata shall be attached to the county of "San Juan" for judicial purposes, and the District Court, when sitting in "San Juan" County, shall have and exercise jurisdiction in said county of "La Plata."

SEC. 10. The said counties of "San Juan" and "La Plata" are hereby attached to and made a part of the Elev-

enth Council District,, and the Fifteenth and Sixteenth Representative District.

SEC. 11. All records heretofore made of conveyances or location certificates affecting the title to property situate in the territory attached to the county of Hinsdale by the provisions of this act, shall be and the same are hereby declared legal and valid, whether the same shall have been made in either the county of Hinsdale or of La Plata, as at present constituted.

SEC. 12. This act shall take effect and be in force from and after the first day of May, A. D. eighteen hundred and seventy-six.

Approved January 31, 1876.

AN ACT

To repeal certain Acts concerning the prosecution of crimes and misdemeanors, not capital or infamous.

Be it enacted by the Council and House of Representatives of Colorado Territory :

SECTION 1. That an Act, entitled "An Act concerning the prosecution of crimes and misdemeanors, not capital or infamous, approved February 13th, 1874, be, and the same is hereby repealed.

SEC. 2. And it be further enacted, that an Act entitled "An Act concerning the prosecution of misdemeanors and crimes, not capital or infamous, approved January 29th, 1872, be and the same is hereby repealed.

SEC. 3. Nothing herein shall be taken or held to invalidate, affect, or in any manner interfere with any prosecution or prosecutions heretofore instituted under said Acts, or with any conviction or convictions, that may be had upon proceedings so instituted.

Approved January 29, 1876.

AN ACT

To amend Chapter Twenty-two (22) of the Revised Statutes of Colorado Territory, entitled, "Criminal Code."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The second clause of Section two hundred and thirty-two (232) of Chapter twenty-two (22) of the Revised Statutes of Colorado Territory, entitled "Criminal Code," is hereby repealed, and the following shall be inserted in said Section, instead of said clause, next after the word "custody" in said Section, viz: "When the proof is evident, or the presumption is great, that a person charged with treason, murder, or any offence punishable by death, is guilty of such crime, no Justice of the Peace shall admit such person to bail.

Approved February 1, 1876.

AN ACT

To amend Sections One (1) and Two (2), of an Act entitled "An Act to amend Division Six, (6), Chapter Twenty-Two (22) of the Revised Statutes of Colorado Territory, entitled Criminal Code" Approved February 11th, 1874.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. If any person shall willfully and maliciously kill, cripple, or injure any horse, mare, or gelding, or any bull, cow, steer, heifer, or calf, or any mule or sheep, by poisoning or other means; or shall maliciously run down or drive from its usual range any animal above mentioned; or shall maliciously scatter or drive from their usual range any flock or herd of sheep, or any herd or band of neat cattle, horses, or mules, or any of the animals above men-

tioned; or shall maliciously destroy or injure any camp, shanty, cabin, or house, occupied by any herder or shepherd or his assistants; or maliciously injure any horse or other animals in the possession of such herder or shepherd; or maliciously interfere with any such herder, shepherd or his assistants, with intent and for the purpose of hindering or preventing such herder, shepherd, or his assistants from herding or keeping any flock of sheep, or herd of cattle or other animals in the vicinity where such acts or any of them may be committed, or in or on any range or portion of this Territory not occupied by actual settlers; or with intent to break up, hinder, prevent, disturb, or molest the business of herding or keeping any such flock or kind of flock, or herd or kind of herd, or raising, producing, or propogating the same in any portion of this Territory; every such person so offending shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by a fine of not less than double, nor more than four times the amount of injury done the property injured, or by imprisonment in the penitentiary not less than one year, nor more than ten years, or both, as the judge sitting at the trial may determine, and the said judge shall fix the amount of fine and the duration of such imprisonment in all cases.

SEC. 2. Every person guilty of an offense above herein mentioned, shall, in all cases, be liable to any party injured thereby, in three times the amount of the actual injury done by the commission of such offense, whether the offender be convicted on any criminal prosecution or not; and the person or persons instituting such proceeding shall have the right to proceed by attachment.

Approved January 28, 1876.

AN ACT

For the Relief of the Institute for the education of Deaf Mutes.

Be it enacted by the Council and House of Representatives of Colorado Territory;

SECTION 1. That Section four (4) of an Act entitled "An Act to provide a fund for the maintainance and education of the deaf mutes of Colorado," be amended as follows, viz: First, by striking out the words "balance annually" in the fourth (4th) line, and inserting the words "same quarterly" in lieu of them; second, by striking out the words "along with the Territorial taxes, and the Territorial Treasurer," in lines five and six, and inserting in lieu thereof, the word "who."

SEC. 2. That the sum of seven thousand (7,000) dollars be, and the same is hereby appropriated out of any funds in the Territorial Treasury, not otherwise appropriated, for the following purposes: First, to reimburse to the amount of five thousand (5,000) dollars, borrowed by the Board of Trustees for the erection of the building recently completed, for the use of the Institute; Second, to erect a building for a school room and the necessary out-buildings; Third, to purchase such furniture as may be deemed necessary for the comfort of the inmates of the Institute

SEC. 3. The amount so appropriated shall be subject to the same conditions and regulations provided by the statute for the control of the deaf mute fund, and shall be held to be a loan to said Institute, and all moneys received by said Institute from the deaf mute tax, exceeding seven (7) thousand dollars per annum, shall be paid back into the treasury of the Territory, until such a sum as is provided for in Section 2 of this act is returned.

Approved February 10, 1876.

AN ACT

To amend Paragraph Six of Chapter Twenty three of the Revised Statutes of Colorado, in relation to Descents.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The sixth paragraph of section one of chapter twenty-three (23) is hereby amended so as to read as follows: Second, if there be no children nor their descendants, then to his father; if there be no father, then to his mother; if there be no mother, then to the brothers and sisters, and to the descendants of brothers and sisters who are dead, the descendants, collectively, taking the share of their immediate ancestors in equal parts.

Approved February 9, 1876.

AN ACT

In Regard to District Attorneys.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. If the District Attorney be interested or shall have been employed as counsel in any case which it shall be his duty to prosecute or defend, the Court having criminal jurisdiction may appoint some other person to prosecute or defend the cause.

SEC. 2. If he be sick or absent, such Court shall appoint some person to discharge the duties of the office until the proper officer resume the discharge of his duties.

SEC. 3. The person thus appointed shall possess the same power and receive the same fees as the proper officer would if he were present.

SEC. 4. This act shall take effect from and after its passage.

Approved January 22, 1876.

AN ACT

To amend an act entitled "An Act Prescribing the Time of Holding the District Courts in the Second Judicial District," approved January 31st, 1874.

Be it Enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That so much of the first section of the aforesaid act as relates to the time of holding Courts in the counties of Boulder and Larimer be, and the same is hereby amended so as to read as follows: In the county of Grand on the first Tuesday of July, in each year, in the county of Boulder on the first Monday after the first Tuesday of July, and the third Monday in January, in each year; in the county of Larimer on the first Monday of September, in each year.

SEC. 2. All causes, issues and proceedings, civil and criminal, now pending in the District Court of the counties above named, in which process has been issued, or publication had, prior to the passage of this act, returnable to any term of Court as provided by existing laws, shall be deemed and held to be pending in and returnable to the term of Court, as provided for, and fixed in this act, and shall be disposed of as though the same had been made specifically returnable to the term of Court as prescribed herein, and the same shall apply to recognizances taken in criminal cases.

Approved February 11, 1876.

AN ACT

To Provide Terms of Court in the Third Judicial District.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That terms of the District Court shall be held hereafter at the county seats of the several counties in

the Third Judicial District, commencing on the days following, in each and every year, that is to say: In the county of El Paso, on the first (1st) Monday in April, and the fourth (4th) Monday in October; in the county of Fremont, on the third (3d) Monday in April, and the second (2nd) Monday in November; in the county of Bent, on the first (1st) Monday in May, and the fourth (4th) Monday in November; in the county of Pueblo, on the third (3d) Monday in May, and the second (2nd) Monday in December; in the county of Las Animas, on the third (3d) Monday in July, and the first (1st) Monday in January; in the county of Huerfano, on the third (3d) Monday in January; in the county of Costilla, on the first (1st) Monday in August; in the county of Conejos, on the second (2nd) Monday in August; in the county of Rio Grande, on the third (3d) Monday in August; in the county of San Juan, on the first (1st) Monday in September; in the county of Hinsdale, on the third (3d) Monday in September; in the county of Saguache, on the first (1st) Monday in October.

SEC 2 The District Court herein appointed to be held in the county of Pueblo, shall have and exercise within the Third Judicial District the jurisdiction of a Circuit and District Court of the United States; and causes, civil and criminal, arising in said District, under the Constitution and laws of the United States, shall be heard and determined in the said District Court of Pueblo County.

SEC 3. All criminal causes and proceedings pending in any of the said District Courts, upon change of venue, or otherwise, shall be tried, heard, and determined, at the terms of such Courts herein appointed, whether such terms shall be held at an earlier or later day than those heretofore appointed.

SEC. 4. All civil cases, issues, and proceedings, instituted, pending, or brought, in any of the said District Courts in which process has been issued or publication had prior to the passage of this act, returnable to any term of Court as provided by existing law, shall be deemed and held to be

pending in such Courts at the term fixed by this act next succeeding the term to which such process has been made returnable; and such process shall be deemed and held to be returnable to the term of such Court provided in this act next succeeding the term to which such process has been made returnable; *Provided*, That in all cases in which, by this act, a term of Court is appointed to be held at an earlier day than that to which process has been made returnable, according to existing law, as aforesaid, it shall be lawful for the plaintiff to sue out, and for the Clerk to issue, process returnable to the term of Court provided by this act; and, thereafter, the suit, action, or proceeding, shall be conducted as if the same had been originally brought to the term of such Court fixed by this act: and this act shall apply to recognizances taken in all criminal cases pending on change of venue or otherwise.

SEC. 5. All acts and parts of acts inconsistent with this act are repealed; but any Court which is now sitting pursuant to law may continue its session, notwithstanding such repeal, in the same manner as if this act had not been passed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 8, 1876.

AN ACT

In regard to Ditch and Canal Companies uniting under one Management

Be it enacted by the Council and House of Representatives of Colorado Territory.

SECTION 1. Companies, organized under the laws of this Territory, holding ditches or canals by virtue of their organization, which derive their supply of water for their respective ditches or canals from the same head gate or gates, or the same source or sources of supply, may consolidate their interests and unite their respective companies

under one name and management, by filing a certificate of that fact in the office of the Secretary of this Territory, and a counterpart thereof in the office of the Recorder of the county or counties in which such ditches or canals are situated, which certificate shall be signed by the presidents of the companies so uniting, with the common seals of the companies affixed thereto, and shall set forth the fact of such union of interests, and give the name of the new company thus formed.

Approved January 28, 1876.

AN ACT

Concerning Ejectments.

Be it enacted by the Council and House of Representatives of Colorado Territory.

SECTION 1. Section eight (8) of chapter twenty-seven (27) of the Revised Statutes shall hereafter read as follows: The plaintiff shall, in every case, except where the legal title remains in the United States, state in his declaration whether he claims in fee, or for his own life, or for the life of another, or for a term of years, specifying such life or the duration of such term; and when the legal title remains in the United States, the declaration shall state generally that he claims the right to occupy and possess the premises.

SEC. 2. In every case of ejectment hereafter brought for lands of which the legal title remains in the United States, the plaintiff and defendant shall be confined in their evidence to proof of their respective rights and claims, and the rights and claims of their grantors and privies in interest; and the case shall not be affected by any right or claim of third persons not in privity with either party to the same premises.

SEC. 3. This act shall not affect any action now pending.
Approved February 11, 1876.

AN ACT

To amend Section 85 of Chapter 90 of the Revised Statutes relating to the settlement of estates, so as to dispense with the sale of the personal property in certain cases.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section eighty-five (85) of chapter ninety (90) of the Revised Statutes of Colorado Territory, be so amended as to add thereto the following: *And provided further* that the Executor or Administrator of any estate, may, except in cases where it is necessary to sell, to pay the debts or bequests of the decedent, dispense with a sale of the personal property, or any part thereof, and may distribute the same in kind to the heirs, or devisees, under order of the court, as now provided by law, for the distribution of estates.

Approved January 28, 1876.

AN ACT

In regard to Evidence.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. When any printed or written copy of the acts of the Eleventh Session of the Territorial Legislature of this Territory shall be certified by the Secretary of this Territory under his seal of office, to be a correct copy of an act passed by said Legislature, the same shall be received in evidence in all the Courts of this Territory.

Approved February 11, 1876.

AN ACT

To amend Chapter Thirty of the Revised Statutes of Colorado, entitled "Evidence and Depositions."

Be it enacted by the Council and House of Representatives of Colorado Territory.

SECTION 1. That section eight of chapter thirty of the Revised Statutes of Colorado, entitled "Evidence and Depositions," be amended by inserting after the word "non-residents," in the first line thereof, the words "party to the cause."

SEC. 2. That section nine of said chapter be and the same is hereby amended by striking out all after the word "lawful," in the tenth line and before the word "to" in the eleventh line of said section nine. Also by striking out all after the word "provided" in the thirteenth line and before the word "provided" in the eighteenth line of said section nine, and by inserting in lieu thereof, the following: "But the taking of the testimony of such witness by deposition shall not prevent the attendance of said witness at Court, if his personal attendance is desired by either party."

SEC. 3. That section fifteen (15) of chapter thirty (30) of the Revised Statutes of Colorado, entitled "Evidence and Depositions," be, and the same is hereby repealed, and the following is enacted instead thereof: "Whenever any deposition is taken in pursuance of this chapter, it shall be the duty of the clerk of the Court in which the suit is pending, in which the deposition is taken, immediately upon the receipt of such deposition, to endorse upon the wrapper thereof the time of the receipt thereof by him, and to open and file the same in his office. At any time after the filing of such deposition as aforesaid, any party to the cause, or his attorney, interested therein, shall be permitted to inspect and take a copy of the same."

Approved February 11, 1876.

AN ACT

To amend an act of the Legislative Assembly of Colorado Territory, entitled "An Act relating to Fees and Salaries in Arapahoe County," approved February 13, 1874.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section two of the act of which this act is amendatory, be amended by inserting after the word "docket," in the 13th line thereof, the words "or copy thereof," and by adding to the end of said section two (2) the following words: "for drawing each jury, as provided in the act of 1874, entitled jurors, fifty (50) cents;" "for each instrument of writing, entry, or copy thereof, not otherwise provided for, per folio, fifteen (15) cents;" "for issuing each writ of scire facias, one dollar (\$1 00);" "for searching for any particular paper or case not pending, twenty-five (25) cents."

SEC. 2. That section three (3) of the act of which this act is amendatory, be and the same is hereby repealed, and the following is enacted in the place thereof, that is to say:

SHERIFF'S FEES.

SEC. 3. For serving and returning summons, on each party served, one dollar (\$1.00); for serving a subpoena on each witness served, forty (40) cents; for serving writ of attachment, or writ of replevin, two dollars (\$2 00); for summoning each juror, forty (40) cents; for returning each writ, subpoena, or other process, twenty-five (25) cents; for serving and returning scire facias, seventy-five (75) cents; for executing a capias or warrant in criminal cases on each person named therein, and served, seventy-five (75) cents; for transporting prisoners after conviction and sentence, to the penitentiary, or other place of confinement, ten (10) cents per mile, besides actual expenses necessarily incurred; for pursuing and capturing a person or persons charged with the commission of any crime, denominated a felony, be-

yond the limits of said county, in addition to the mileage hereby allowed, the sum of two (\$2.00) dollars per day, together with the actual expenses necessarily incurred, to be paid out of the County Treasury; mileage for each mile actually and necessarily traveled in the execution of any writ, or other process, fifteen (15) cents; for levying execution, one dollar and fifty cents (\$1.50), for advertising property for sale, besides actual expenses, fifty (50) cents, for making and recording certificates of sale, previous to execution of deed, two dollars (\$2.00); for executing and acknowledging deed of sale of real estate, two dollars and twenty-five cents (\$2.25); for making and recording certificate of levy in attachment, or other cases, two dollars (\$2.00); commissions on money collected without sale, on all sums under five hundred (500) dollars, two per cent.; on all sums in excess of the first five hundred dollars, (\$500) and under one thousand (1,000) dollars, one and one-half ($1\frac{1}{2}$) per cent., and on all sums in excess of the sums above mentioned one (1) per cent; commissions on money collected by sale, on all sums under five hundred (500) dollars, three (3) per cent.; on all sums in excess of the first five hundred (500) dollars, and under one thousand (1,000) dollars, two and one-half ($2\frac{1}{2}$) per cent.; on all sums in excess of the sums above mentioned, one (1) per cent.; for committing or discharging prisoners, to or from jail, thirty-five (35) cents, for dieting prisoners per day, such reasonable compensation as shall be allowed by the Board of County Commissioners, not to exceed fifty (50) cents per day, for attending before any judge, with prisoners, with writ of habeas corpus, one (1) dollar, and for each mile traveled in making such attendance, fifteen (15) cents, the distance to be computed from the place where such prisoner is confined to the place where the writ of habeas corpus is returnable; for serving a writ of possession, or writ of assistance, with aid of posse comitatus, five (5) dollars; for serving the same without aid, one dollar and twenty-five cents (\$1.25); for taking a bond, in any case, one dollar; for attending District or Probate Court, when in
(10)

session, two dollars and fifty cents (\$2 50) per day, to be paid out of the County Treasury; for executing sentence of death, fifty (50) dollars, together with actual expenses necessarily incurred in executing such sentence, to be paid out of the County Treasury.

SEC. 3. That section six (6) of said act be and the same is hereby repealed, and the following is enacted in the place thereof: Section six (6). Witnesses attending in any Court of Record, or before a Commissioner, Master in Chancery, or Referee, per day, one dollar and fifty cents (\$1.50), and fifteen (15) cents per mile for every mile actually and necessarily traveled in going to and from the place of residence of the witness to the place of holding the Court, or where the examination is had. In Justice's Courts, and upon Coroner's Inquest, one dollar (\$1.00) per day, and fifteen (15) cents per mile for every mile actually and necessarily traveled in going to and from the place of residence of the witness, to the place of holding the Court.

SEC. 4. That section seven (7) of said act is hereby amended, so as to read as follows: Juror's fees in District Courts and Probate Courts, per day, two dollars and fifty cents (\$2.50); before Justices of the Peace, one dollar (\$1.00) per day; attending inquest over dead body, to be paid out of the County Treasury, two dollars and fifty cents (\$2 50); mileage for each mile actually and necessarily traveled, fifteen (15) cents.

Approved February 11, 1876.

AN ACT

To amend an Act entitled "An Act relating to Fees and Salaries in Weld and Larimer Counties," approved February 13th, A. D. 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory:

That section one (1) of said act be amended by adding thereto the words, "excepting that it shall be lawful for the

County Commissioners of Weld and Larimer Counties in their discretion to increase the fees of County Treasurers of said Counties, or either of them; said increase not to exceed two and one-half ($2\frac{1}{2}$) per cent. on all moneys received by said County Treasurers, or either of them, for taxes of every kind."

Approved February 7, 1876.

AN ACT

To amend an Act entitled "An Act relating to Fees and Salaries in Weld and Larimer Counties," approved February 13, 1874.

Be it enacted by the Council and House of Representatives of Colorado Territory:

That said act shall not be construed so as to give the Chairman of the Board of County Commissioners of Weld and Larimer Counties, or either of them, any salary whatever.

Approved February 11, 1876.

AN ACT

Providing for the Fencing of Lands where Grass is cut and put in Stacks in Las Animas County.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1 That all persons owning or claiming meadows or other lands in Las Animas County which are used for the exclusive purpose of cutting and gathering hay or grass (whether for private use or for sale) are hereby required to erect a fence around the said grounds, said fence to be at least six rails in height, and of sufficient strength and durability as to prevent the ingress of any kind of stock to the same.

SEC. 2. The provisions of the preceding section will be applicable also to all persons owning or claiming hay in a heap or stack.

SEC. 3. Any person or persons failing to erect a fence, as required by this act, shall not be allowed any compensation for damages caused to his, her, or their grass or hay by any stock entering thereon.

SEC. 4. This act will be in full force and effect sixty days after its passage.

Approved February 10, 1876.

AN ACT

To repeal An Act entitled, "Flour Inspector," Chapter Thirty-four (34) of the Revised Statutes of Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That chapter thirty-four (34) of the Revised Statutes of Colorado Territory be and is hereby repealed

Approved January 28, 1876

AN ACT

To amend Section Eighteen of Chapter Thirty-five of the Revised Statutes of Colorado Territory, entitled "Forcible Entry and Detainer."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section eighteen of chapter thirty-five of the Revised Statutes of Colorado Territory, entitled, "Forcible entry and Detainer," be amended by adding thereto and at the end thereof, the following: "Provided, No

notice to quit shall be necessary from or to a tenant whose term is by contract to end at a certain time."

This act to take effect and be in force from and after its passage

Approved January 24, 1876.

AN ACT

Concerning Indigent Dependants in Criminal Cases.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. Whenever any person indicted in a Court of the Territory of Colorado shall make affidavit, setting forth that there are witnesses whose evidence is material to his defense, that he cannot proceed to trial without them; what he expects to prove by each of them; that they are within the Judicial District in which the Court is held, or within one hundred miles of the place of trial; and that he is not possessed of sufficient means and is actually unable to pay the fees of such witnesses,—the Court in term, or the Judge thereof in vacation, if it appears to said Court or the Judge thereof that the evidence of such witnesses would be material in the trial of the cause, may order that such witnesses be subpoenaed, if found within the limits aforesaid. In such case, the costs incurred by the process and the fees of the witnesses shall be paid in the same manner that similar costs and fees are paid in case of witnesses subpoenaed in behalf of the people.

Approved February 7, 1876.

AN ACT

For the Pardon of Insane Criminals.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The Governor of this Territory is hereby empowered, whenever it is reported to him that any person impris-

oned in the penitentiary has become insane, to appoint a commission of three practicing physicians to examine the said person, and report their opinion to the Governor in writing; and if from said report the Governor shall be of the opinion that said prisoner is insane, and cannot be well taken care of in the penitentiary, it shall be the duty of the Governor to issue a pardon to said person without delay.

SEC 2 Said commission shall be allowed and paid five dollars a day each for the necessary time employed in each case so examined by them, to be allowed and paid by the Board of Penitentiary Managers out of the penitentiary funds.

Approved February 9, 1876.

AN ACT

To prevent the Waste of Water during the Irrigating Season.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1 The owner of any irrigating or mill ditch shall carefully maintain and keep the embankment thereof in good repair, and prevent the water from wasting

SEC 2 During the summer season, it shall not be lawful for any person or persons to run through his or their irrigating ditch any greater quantity of water than is absolutely necessary for irrigating his or their said land, and for domestic and stock purposes: it being the intent and meaning of this section to prevent the wasting and useless discharge and running away of water.

SEC. 3. Any person who shall wilfully violate any of the provisions of this act shall, on conviction thereof before any Court having competent jurisdiction, be fined in a sum of not less than one hundred (\$100) dollars. Suits for penalties under this act shall be brought in the name of the People of the Territory of Colorado.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved February 11, 1876.

AN ACT

To prevent the use of Water in Meadow Lands in the
County of Huerfano, in certain months.

*Be it enacted by the Council and House of Representatives of
Colorado Territory:*

SECTION 1. That from and after the passage of this Act, it shall be unlawful for any person to divert the water of any stream, in the county of Huerfano, from and after the twentieth (20th) day of June, until the thirty-first (31) day of August, of each year, from its natural course, for the purpose of irrigating meadow or hay land.

SEC. 2. That any person who shall violate the provisions of section one (1) of this act, shall be subject to a penalty not exceeding twenty dollars for each offense, to be collected by suit before any Justice of the peace of the county; the amount collected from said fines to be paid into the school fund.

SEC. 3. All acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

Approved February 10, 1876

AN ACT

To amend an Act entitled "An Act to provide for the Selection of Jurors to serve in the District Courts," approved February 13, 1874.

*Be it enacted by the Council and House of Representatives of
Colorado Territory:*

SECTION 1. Section twenty of an act entitled "An Act to provide for the Selection of Jurors to serve in the District

Courts, approved February 13, 1874," is hereby amended by striking out the word "Conejos," where it occurs in the seventh line of said section.

Approved January 28, 1876.

AN ACT

To amend Section Two of Chapter Forty-nine of the Revised Statutes of Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory :

SECTION 1. That section two of chapter forty-nine of the Revised Statutes of Colorado, entitled "Jurors," be and the same is hereby amended by inserting in the fifth line, after the words, "militia companies," the words "teachers in the public schools, when employed as such."

Approved February 4, 1876,

AN ACT

To amend Chapter Forty-nine (49) of the Revised Statutes of Colorado Territory, entitled "Jurors."

Be it enacted by the Council and House of Representatives of Colorado Territory :

SECTION 1. Section one of the act to which this is amendatory, is amended by adding at the end thereof, the following: "Nor shall any person be eligible as a juror, in any District or Probate Court in this Territory, who shall have served as such at a term of either of said Courts next preceding."

SEC. 2. Section two of the act to which this is amendatory, is amended by adding at the end thereof, the following: "Nor shall any engineer, conductor, superintendent, actually employed by any railroad company, be required to

serve on any jury in this Territory, of any person, who, on his oath before the Court, shall state that the condition of his own health, or the illness or death of a member of his immediate family demands his absence from such Court, setting forth the circumstances, so that in all cases the Court may judge of the sufficiency thereof. "That after a resident of any county has been selected upon any petit or grand jury, for any term of Court to be holden in said County, and if before such term of Court shall convene, he shall remove from such county, with intention of residing without such county, then he shall be excused from service as such juror; and any person who shall have heretofore been so selected, and shall have removed as aforesaid, shall be excused from service as such juror, and any process or proceeding now pending against such person for failure to appear and serve as such juror, shall be dismissed; and it shall be unlawful for any fine to be hereafter assessed or adjudged against him therefor.

And provided further, That any person who shall be necessarily beyond and without the Territory, during any term of Court, then he shall be entitled to the same exemption from service and fine as is above provided.

SEC. 3. The Board of County Commissioners in each county shall specially observe the provisions of the first section of this act.

Approved February 4, 1876.

AN ACT

Amending Section Thirty-eight (38), Chapter Fifty (50)
Revised Statutes of Colorado Territory.

*Be it enacted by the Council and House of Representatives of
Colorado Territory:*

SECTION 1. That section thirty-eight (38) of chapter fifty (50) of the Revised Statutes of Colorado Territory, be, and the same is hereby amended by striking out the word
(11)

"only" after the word "appeal" in the last line of said section, and inserting in lieu thereof the words "and all accrued costs due at the time of taking such appeal."

SEC. 2. This act shall apply only to appeals from judgments of Justices of the Peace in the county of Arapahoe, in said Territory.

Approved February 11, 1876.

AN ACT

To amend Chapter 50 of the Revised Statutes, in relation to Justices and Constables.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That chapter fifty of the Revised Statutes, in relation to Justices and Constables, be amended by the addition of the following section, to be known as section one hundred and six of said statute:

That whenever the term of office, for which any Justice of the Peace may have been elected, shall expire, it shall be the duty of such officer, to deliver over his docket, statutes, and all papers relating to the business transacted before him, to his successor in office, upon demand, after such successor shall have been qualified, according to law, whose duty it shall be to proceed to the completion of all unfinished business, to issue executions upon judgments remaining unsatisfied upon such docket, and to collect the same, and have the same power in respect to such docket, and papers, as if the same pertained to proceedings originally instituted before him.

Approved January 28, 1876.

AN ACT

Concerning Preliminary Examinations on Criminal Charges
before Justices of the Peace.

*Be it enacted by the Council and House of Representatives of
Colorado Territory:*

SECTION 1. That in all preliminary examinations of persons arraigned before Justices of the Peace upon any criminal charge, the accused, if he so desire, shall have the privilege, after all witnesses have been heard, of making a statement before the Justice; and such statement may be made under oath, or otherwise, as the accused may elect.

Approved February 10, 1876.

AN ACT

To Protect Landmarks

*Be it enacted by the Council and House of Representatives of
Colorado Territory:*

SECTION 1. That if any person or persons shall willfully and maliciously deface, remove, pull down, injure or destroy any location stake, side post, corner post, landmark or monument, or any other legal land boundary monument in this Territory, designating, or intending to designate the location, boundary or name of any mining claim, lode or vein of mineral, or the name of the discover[er], or date of discovery thereof; the person or persons so offending shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not more than one thousand dollars, or imprisoned not more than one year, at the descretion of the Court; *Provided*, That this act shall not apply to abandoned property.

SEC 2. All acts and parts of acts, inconsistent with this act, are hereby repealed.

Approved February 9, 1876.

AN ACT

To provide for the Printing of the Acts of the Legislative Assembly of Colorado Territory for the year 1876, in the Spanish language.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the Secretary of the Territory be, and he hereby is authorized to have published two hundred and fifty (250) copies of the General Acts of the Legislative Assembly, and those having specific application to the counties of Costilla, Conejos, Las Animas, Huerfano and Saguache, for the year 1876, in the Spanish language.

SEC. 2. That the laws so published shall be distributed by the Territorial Secretary as follows: to Costilla County, forty (40) copies; to Conejos County, forty (40) copies; to Las Animas County, seventy-five (75) copies, to Huerfano County, fifty (50) copies; to Saguache County, ten (10) copies; to Rio Grande County, ten (10) copies; the remaining twenty-five (25) copies to be retained by the Secretary for the future use of such members of the Legislative Assembly as speak the Spanish language.

SEC. 3. That there be, and hereby is, appropriated from the Territorial Treasury, out of any moneys not otherwise appropriated, the sum of twelve hundred dollars, (\$1,200) or so much thereof as may be necessary to defray the expenses of publishing the said laws in the Spanish language.

SEC. 4. That the Auditor of the Territory be, and hereby is authorized and directed, on the completion of said work, to audit and allow such account for such services, as shall have been approved by the Secretary of the Territory, and not exceeding the amount herein appropriated, and draw his warrants therefor upon the Treasurer.

Approved February 9, 1876.

AN ACT

Concerning the Printing of the Acts of the Eleventh Session of the Legislative Assembly.

Be it enacted by the Council and House of Representatives of Colorado Territory :

SECTION 1. That in the printing of the Acts of said session, the provisions of section five of chapter seventy-nine of the Revised Statutes shall be strictly regarded; except that the enacting clause shall be printed; that full side notes be printed on the margin, and before the index is printed, it shall be submitted to some one or more of the Judges of the Supreme Court for correction and approval; and that the Organic Act, with its amendments, and the Constitution of the United States, with amendments, and the Declaration of Independence, be not printed therewith.

Approved February 11, 1876.

AN ACT

To amend an Act, entitled, "An Act concerning Libraries," approved February 8th, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory :

That the act entitled "An Act concerning Libraries," approved February 8th, 1872, be amended by adding thereto the following additional section:

SECTION 7. That the Common Council or Board of Trustees of any city or town in this Territory, are hereby authorized, if they shall see fit, to apply any part of the fund referred to in section one, in aid of any library association organized for the benefit of the public, heretofore or hereafter established; *Provided*, such library association will give to the Common Council or Board of Trustees such representation upon its board of management, as may be required.

Approved February 4, 1876.

AN ACT

To amend an Act, entitled, "An Act concerning the Library of the Supreme Court," approved February 13th, 1874, and to repeal an act entitled, "An Act for the Payment of Rent of Supreme Court Clerks' Office," approved February 9th, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section two (2) of said first named act, be amended so as to read as follows:

SEC. 2. It shall be the duty of the said Clerk, and Librarian, to keep his office open every day in the year, Sundays and holidays excepted, from 9 o'clock a. m. until 5 o'clock p. m. of each day, so that the attorneys of this Territory, and the Judges thereof, may have access to said library; and it shall be the duty of the said Clerk to provide furniture, and all other matters and things necessary and incident to his said office and the office of Judges, chambers of the Supreme Court; and for this purpose, and for rental of said Clerk's office, the sum of one thousand dollars per annum is hereby appropriated, to be disbursed by said Clerk, to be known as "Clerk Supreme Court Fund," and to be paid by warrants drawn by the Territorial Auditor upon the Territorial Treasurer, in like manner as other warrants are now drawn for disbursements: *Provided*, that should there be any surplus after payment of the necessary expenses aforesaid, the same shall and may be used by direction of the Judges of the Supreme Court for the use and benefit of the law library of the Supreme Court.

SEC. 3. That an act entitled, "An Act for the Payment of Rent of Supreme Court Clerk's Office," approved February 9th, 1872, be and the same is hereby repealed.

Approved February 1, 1876.

AN ACT

To amend an Act, entitled "An Act to secure liens to mechanics and others, and to repeal all other Acts in relation thereto." Approved February 9th, A. D. 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. A sub-contractor, journeyman, laborer, or other person entitled to a lien under the provisions of the act to which this is amendatory, who intends to furnish any materials or perform any labor for which such lien is given, may, at his option, give a notice in writing to the owner or owners of any property for which such materials may be furnished, or upon which such labor may be performed, of his intention to claim such lien, stating the probable value of the materials to be furnished, or the probable value of such labor to be performed, as near as may be, with a description of the property to be affected thereby; and this notice may be given before he begins to furnish such materials, or before he begins to perform such labor; and, at his option, he may give such notice at any time after he begins to furnish such material, or to perform labor, and before the completion of his undertaking to furnish materials, or before the completion of his work; and, from the time he shall have given such notice, and had the same recorded, as hereinafter prescribed, he shall have from the date of its record a lien for such materials thereafter furnished, or such labor thereafter performed by him, not exceeding the sum stated in such notice, and due to him, and every such notice shall have endorsed upon it the affidavit of the person giving such notice, that he claims such lien in good faith.

SEC. 2. Nothing in this act shall be so construed as to dispense with the filing of the statement by sub-contractors, journeymen, laborers, and other persons claiming liens, in the time, manner, and form required in the second, third, fourth and fifth sections of the act to which this is amend-

atory; nor shall anything in this act be so construed as to compel such sub-contractors, journeymen, laborers, or other persons claiming liens to give the notice to the owner or owners of property aforesaid allowed by the first section of this act; but such persons may, at their option, proceed to secure a lien under the act to which this is amendatory.

SEC. 3. A copy of all such notices as are required by the first section of this act shall be recorded in the office of the Recorder of the County where the property set forth therein is situated, as statements are required to be recorded by the second section of the act to which this act is amendatory, and shall have the same effect from the date of their record, as the filing of the statements required by the second section of the act to which this act is amendatory.

SEC. 4. If the owner or owners of the property upon whom notices are required by this act to be served by sub-contractors, journeymen, laborers, and other persons claiming liens are non-residents of this Territory, or cannot be found in the county where the property sought to be subjected to a lien is situated, then such notices may be served upon an agent superintending the work on such property for such owner or owners in such county; and, if there be no such agent in such county, then such notice shall be ^{from} posted up in some conspicuous place on said property, and proof of the service of any notice shall be made by the person serving or posting the same making affidavit upon a copy thereof; but this mode of proof shall not affect the notice required to be published in a newspaper as in the next following section.

SEC. 5. In a proceeding by sub-contractors and all other persons, under section nine (9) of the act to which this [is] amendatory, to enforce a lien against any property whatever, the owner or owners thereof, the contractor or contractors for any building, superstructure, work or labor thereon, and all persons interested in the same, shall be made parties defendant; and the plaintiff shall cause the notice to be published, as required in said section, against

all persons holding or claiming liens on the property, which said notice shall be directed to such persons generally, giving therein a description of the property against which the lien is claimed.

SEC. 6. Section six (6) of the act to which this is amendatory, is hereby amended by striking out of the same from the word "and" in the thirtieth (30th) line thereof, to the word "materials" in the thirty-seventh (37th) line thereof, including those words; and the following is enacted to stand instead thereof, viz: "No payment of money made by such owners or owner to such contractor for the purpose of avoiding any anticipated lien of a sub-contractor, journeyman or laborer, or person furnishing materials, shall be valid, and if any person shall file a notice or statement or claim a lien for a larger sum than is due to him, with intent to cheat or defraud any other person, and that fact shall appear in any proceeding provided for in the act to which this is amendatory, such person shall forfeit all or any claim he may be entitled to under this act, and the act to which this is amendatory."

SEC. 7. Nothing in this act, nor in the act to which this is amendatory, shall be so construed as to give a lien or liens to any sub-contractor, journeyman, laborer, or other person which singly exceeds, or in the aggregate exceeds, the amount due or to become due to the contractor from the owner of the property, upon the contract between them, for the work of such contractor upon such property.

SEC. 8. If, after the filing of a notice allowed by the first section of this act, the person filing the same shall not proceed to furnish materials or perform labor under the same and pursuant thereto, or shall be paid for such materials or labor, he shall immediately enter (as the case may require) a withdrawal of said notice or satisfaction of his claim under it on the record thereof, to be attested by the Recorder; and, if he shall fail to do so within five days after notice in writing given to him by the owner, or his agent, of the property affected, he shall forfeit and pay to the owner of such property for each such failure, the sum of twenty dol-

lars, and for a refusal to do so, the sum of fifty dollars the first refusal, and one hundred dollars for each subsequent refusal.

Approved February 8, 1876.

AN ACT

To amend Section One of Article Three of Chapter Fifty-four of the Revised Statutes of Colorado, entitled "Liens."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section one of article three of chapter fifty-four of the Revised Statutes of Colorado, entitled "Liens," be, and is hereby amended by inserting after the word "paid" and before the word "provided" in said section, the words, "and every hotel, tavern and boarding-house keeper shall have a lien upon the baggage of his or her patrons, boarders, and guests, for the amount that may be due from such patrons, boarders and guests, for boarding and lodging, or either, and they are hereby authorized to hold and retain possession of such baggage until the amount so due for board and lodging, or either, is paid."

Approved February 9, 1876.

AN ACT

Concerning Equitable Liens.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. In any suit in chancery which may be hereafter brought, based on any equitable right, claim or lien, affecting or designing to affect real estate, or any mining claim, or any interest therein, or the title thereto, the plaintiff or plaintiffs shall file for record, with the Recorder

of Deeds of the county in which any such real estate, or mining claim, is situated, a written notice of the pendency of the suit, stating the names of the parties, the nature of the suit, and the term of the Court to which such suit is brought, with a description of the real estate, or mining claim, or claims liable to be affected thereby; and the pendency of such suit shall then be constructive notice to purchasers, or incumbrancers, only from the time of filing such notice. The Recorder shall note the time of receiving such notice, and shall record and index the same in like manner as deeds of real estate are required to be recorded, and indexed, and shall note the same in all abstracts of title he may be called on to make of such property.

Approved February 1, 1876.

AN ACT

To amend Chapter Number Fifty five (55) of the Revised Statutes of Colorado Territory entitled "Limitations."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. In actions founded on any contract, no acknowledgment or promise hereafter made shall be evidence of a new or continuing contract, by which to take any case out of the operation of the provisions of chapter fifty-five (55) of the Revised Statutes of Colorado Territory, entitled "Limitations," or to deprive any party of the benefit thereof, unless such acknowledgment, or promise, shall be made in a writing, directly subscribed by the party chargeable thereby, acknowledging his liability, and promising to pay the sum claimed of such party: "Provided, That the time during which any debtor shall be absent from the Territory of Colorado, shall not be included in the time limited, for the commencement of actions in sections 1, 2, 3, 4, 5, 6, 7, and 8, of the act of which this is amendatory."

Approved February 4, 1876.

AN ACT

To repeal an Act entitled, An Act to amend Chapter Fifty-nine (59) of the Revised Statutes of Colorado Territory entitled, "Marriages," and for other purposes.

Be it enacted by the Council and House of Representatives of Colorado Territory :

SECTION 1. That the act entitled, "An act to amend chapter fifty-nine (59) of the Revised Statutes of Colorado Territory, entitled 'Marriages,' approved February 13, 1874, be and is hereby repealed; and that the laws of this Territory, in force at the date of the passage of the act hereby repealed, are hereby revived, and to be held in full force after the passage of this act.

Approved February 9, 1876.

AN ACT

To amend an Act entitled "An Act Concerning Mines," approved February 13, 1874, commencing on page 190 of the printed laws of the Tenth Session of the Legislative Assembly of the Territory of Colorado.

Be it enacted by the Council and House of Representatives of Colorado Territory :

SECTION 1. Be it enacted that section two of said act be amended by adding to the end of said section the following: *Provided, however,* That no such writ shall issue except upon notice in writing to the adverse party at least six days before making such application, if made in vacation, or, if made in term time, before the defendants have been duly served with process and required to appear and answer by virtue of such service. And if the defendant or defendants shall file an answer to the bill upon which such application is founded, denying under oath the material averments in said bill contained, the said Court or Judge thereof shall

cause the said application to be referred to a Master in Chancery to take proofs in support of said bill and answer, and shall direct said Master to report the same to the said Judge or Court within a reasonable time, allowing to the parties complainant and defendant, a reasonable time in which to take their proofs, and the time so allowed by said Court or Judge thereof, for the purpose of taking testimony, shall be equally divided between said parties complainant and defendant, and it shall be the duty of the complainant or complainants to take his, her, or their testimony first, and the defendant or defendants shall proceed to take his, her, or their proofs within the last half of said time so allowed; and the said Court or Judge shall adjourn the hearing of said application until some day within a reasonable time after the time of taking and completing said proofs, and at such time, upon the hearing of the said Master's report, shall grant or refuse said writ, as the pleadings and evidence in such cause or proceeding may warrant or require; *And provided, further,* That no such writ shall issue in favor of any person or persons restoring to such person or persons possession of any mining property, if the said person or persons shall have obtained or procured possession of said property by force and violence, or by fraud, or by taking possession of the same while the adverse party in possession was temporarily absent therefrom; *And provided, further,* That appeals, as in other cases, shall be allowed from any final order or decree granting an injunction under the provisions of this act.

SEC. 2. No writ of injunction for affirmative relief having the force and effect of a writ of restitution shall be valid or have any force whatever, if issued without notice and without complying with the provisions and conditions of the preceding section.

Approved February 11, 1876.

AN ACT

To amend Section 6—page 187, General laws of Tenth Session—of an Act entitled “An Act concerning Mines,” approved February 13, 1874.”

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the said Section is hereby amended by striking out the words, “or precipitous ground,” where they now occur, and further, by annexing to such section the following: “And where in marking the surface boundaries of a claim any one or more of such posts shall fall by right upon precipitous ground, where the proper placing of it is impracticable or dangerous to life or limb, it shall be legal and valid to place any such post at the nearest practicable point, suitably marked to designate the proper place.”

Approved February 2, 1876.

AN ACT

To amend Section Four (4) of an Act entitled “An Act Concerning Mines”—as found on page 193 General Laws of Tenth Session—approved February 13th, 1874.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the last three lines of the said Section be stricken out, and the following inserted in lieu thereof: “Shall either be present, aiding and assisting, or shall by promise of money, property, influence, assistance, or other thing of value, in any wise encourage such entry or attempted entry, shall be deemed a principal in the commission of said offense.

Approved January 31, 1876

AN ACT

To amend an Act, entitled "An Act concerning Mines," approved February 13th, 1874.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That an act, entitled "An Act concerning Mines," approved February 13th, 1874, be and the same is hereby amended by striking out section fourteen (14); also by striking out the word "herein," in the second line of section fifteen (15)

Approved February 4, 1876.

AN ACT

In regard to Foreclosure of Mortgages.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. In proceedings to foreclose a mortgage when the mortgagor has been duly summoned, or appears to the suit, the decree, if for the plaintiff, shall be as now regulated by practice in Courts of Equity, with the addition thereto that if the property mortgaged shall not be sufficient to satisfy the sum due the mortgagee, that the balance due to the mortgagee shall be made by levying on any other property or estate of the mortgagor subject to execution. under the laws of this Territory.

SEC. 2. An execution upon such decree shall be issued and directed to the Sheriff, and shall be in conformity with the decree, and shall also be proceeded on and returnable as other executions, and the advertisement, sale and conveyance of real estate under the same shall be made and had as under ordinary executions issued from a Court of law.

Approved February 4, 1876.

AN ACT

In regard to a Change of Names.

Be it enacted by the Council and House of Representatives of Colorado Territory.

SECTION 1. Every person desiring to change his or her name, may present a petition to that effect, verified by affidavit, to the District or Probate Court, in the county of the petitioners residence, which petition shall set forth the petitioners full name, the new name desired, and a concise statement of the reason for such desired change; and it shall be the duty of the Judge of such Court, to order such change to be made, and spread upon the records of the Court in proper form, if such Judge is satisfied that the desired change would be proper, and not detrimental to the interests of any other person.

SEC. 2. Public notice of such change of name shall be given at least three times in a newspaper published in the county where such person is residing, within twenty days after the order of Court is made, and if no newspaper is published in that county, such notice shall be published in a newspaper in such county as the Judge of said Court shall direct.

Approved February 4, 1876.

AN ACT

Concerning the transportation of Nitro Glycerine and other combustibile and explosive articles.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. It shall not be lawful to transport, carry or convey, or deliver to be transported, carried or conveyed, or to cause to be delivered to be transported, carried or conveyed, any of the substances or articles known as Dynamite, Nitro Glycerine, or Glycerine Oil, Nitroleum or

Blasting Oil, or Nitrated Oil, or Powder mixed with any such Oil, or fiber saturated with any such article or substance, in any vehicle used or employed in transporting passengers, or in any train of cars, used in transporting passengers; *Provided*, that an ordinary freight train, with a caboose or passenger car used as a caboose, shall not be construed as a train of cars, used in transporting passengers, within the meaning of this Act."

SEC. 2. It shall not be lawful to ship, send or forward any quantity of the substances or articles named in the preceding section or to transport, convey or carry the same, on any vehicle of any description, or to deliver the same to be transported, carried or conveyed, or to cause to be delivered to be transported, carried or conveyed, any such articles or substances, unless the same shall be securely enclosed, deposited or packed in a metallic vessel surrounded by Plaster of Paris or other material that will be non-explosive when saturated with such oil or substance, and separate from all other substances, and the out-side of the package containing the same, be marked or labelled in a conspicuous manner with the words, "Nitro Glycerine—Dangerous."

SEC. 3. If any person or persons shall knowingly violate any of the provisions of the preceding sections, they shall be deemed guilty of a misdemeanor, and punished by a fine of not more than five thousand dollars, or by imprisonment in the penitentiary not exceeding two years, or both.

SEC. 4. When the death of any person is caused by the explosion of any of the articles or substances named in the first section of this act, while the same is being delivered to any carrier, or while the same is being transported, or is being removed from the vehicle on which it has been transported or conveyed, or on which it has been placed for transportation, every person who knowingly and unlawfully placed, or aided, or permitted the placing of such article or substance on such vehicle, or delivered the same, or caused the same to be delivered, contrary to the provisions of this act, shall be deemed guilty of manslaughter, and shall suffer

imprisonment in the penitentiary for a period of not less than two years, and not more than ten years.

Approved February 11, 1876.

AN ACT

Concerning the Estate of Non-resident Infants.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. In any case, whereby descent, devise or bequest any moneys, or the proceeds of sale of property of any kind, shall become the property of any infant or infants residing in this Territory, and such infant or infants shall afterwards remove from this Territory, and shall become residents of any other State or Territory, it shall be lawful for any Probate Court, having charge or control of such moneys or funds of such infant or infants, to authorize the payment of the same to any duly qualified guardian of such infant or infants in the State or Territory in which he or they may have become residents, upon due proof of the appointment and qualification of such guardian.

SEC. 2. The Probate Courts shall have the same power and authority in all cases where at the time of the descent, devise or bequest, as above stated, the infant or infants shall be residents of any other State or Territory of the United States.

Approved February 11, 1876.

AN ACT

To amend Chapter Sixty-seven (67) of the Revised Statutes of Colorado Territory, entitled "Partition."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 9 of the act of which this is amendatory is

hereby amended by inserting therein after the word "bounds," in the twelfth line thereof, the words "or other appropriate description."

Approved February 1, 1876.

AN ACT

To cover the Deficit in the Expenditures for the Penitentiary for the year ending December 31st, 1875.

Be it enacted by the Council and House of Representatives of Colorado Territory :

SECTION 1. That the sum of seven thousand four hundred dollars (\$7,400), or so much thereof as may be necessary, be and the same is hereby appropriated, out of any funds of the Territory not otherwise appropriated, to discharge the indebtedness subsisting against the penitentiary for the fiscal year ending December 31st, 1875.

Approved, February 7, 1876,

AN ACT

Concerning the Penitentiary at Cañon City.

Be it enacted by the Council and House of Representatives of Colorado Territory :

SECTION 1. That the sum of six thousand (\$6,000) dollars, or so much thereof as is necessary, be and the same is hereby appropriated out of any moneys in the Territorial Treasury not otherwise appropriated, to aid in the enlargement of the Territorial penitentiary at Cañon City. Said sum shall be paid out upon warrants issued by the Territorial Auditor, and such warrants shall be issued upon the certificate of the Board of Managers of the penitentiary, signed by the President and attested by the Secretary.

Approved February 11, 1876.

AN ACT

To Promote better Discipline and Encourage Reformation
in the Penitentiary.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That every convict who is now or may hereafter be imprisoned in the Penitentiary, and who shall have performed faithfully, and all who shall hereafter perform faithfully, the duties assigned to him, or her, during his, or her, imprisonment therein, shall be entitled to a deduction from the time of his, or her, sentence for the respective years thereof, and proportionately for any part of a year, where there shall be a fractional part of a year, in the sentence, to-wit for the first year, one month; for the second year, two months, for the third year, three months; for the fourth year, four months; for the fifth year, five months; for the sixth and each succeeding year, six months.

SEC. 2 In case any convict shall be guilty of willful violation of any of the rules or regulations of the Penitentiary, as above provided, and shall have become entitled to any deduction from the time of his, or her sentence, by the provision aforesaid, he or she shall forfeit if entitled to so much, for the first offense two days, for the second offense four days, and for each subsequent offense four days, said forfeiture to be determined by the managers of the Penitentiary

SEC. 3. That for the purposes of this act, whenever any convict shall have been committed under several convictions with separate sentences, they shall be construed as one continuous sentence.

SEC. 4. That the provisions of this act shall apply to the convicts now in the Penitentiary the same as if it had been in effect at the commencement of their sentences, excepting such convicts as have escaped from the Penitentiary, or been concerned in any revolt whereby any convict has escaped

SEC. 5. It shall be the duty of the warden to keep a record in a book for that purpose, of all enfractons of the prison rules and regulations as prescribed by the managers.

SEC. 6. If a convict shall pass the entire period of his sentence without any violation of the rules and regulations, he shall be entitled to a certificate thereof from the warden, endorsed by the managers, and on presenting it to the Governor he shall be restored to citizenship.

Approved February 7, 1876.

AN ACT

To amend an Act, entitled "An Act for the Government and Management of the Penitentiary."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The said Board of Managers, shall, as soon as practicable after their appointment, organize, by electing from said Board, a President, Secretary, and Treasurer. The President shall preside over all meetings when present, if not present, a President, *pro tem.*, shall be elected. It shall be the duty of the Secretary to keep a perfect record of the proceedings of all meetings held by the Board of Managers.

SEC. 2. All certificates for the purchase of supplies shall be signed by the President, and countersigned by the Secretary of the board, and shall be presented to the Auditor of the Territory by the Treasurer, with an approximate estimate of the amount of supplies necessary for the maintenance of the prisoners in the penitentiary, for the succeeding quarter, and it shall be the duty of the Auditor to draw his warrant on the Territorial Treasury, in favor of the Treasurer of the said Board, for the full sum mentioned in the certificate. The first quarter shall commence on the first day of January in each and every year.

SEC. 3. It shall be the duty of said Treasurer to pay all bills audited by said Board, and keep an exact account of all purchases of supplies for the penitentiary, and to pay all moneys for the same, and to take vouchers therefor; which said vouchers shall, on or before the 31st day of December, in each and every year, be filed by said Treasurer with the Territorial Auditor, with a full and complete statement of the disbursements made by him for the current year

SEC. 4. All purchases of supplies by said Board, for said penitentiary shall be made quarterly, and estimates for that purpose published in some newspaper, in not less than three counties, and the same shall be let to the lowest bidder, according to said advertisements.

SEC. 5. The advertisement mentioned in Section four (4), shall state explicitly the kind, amount and quality of said supplies; when and where the same are to be delivered, and whether bids to be for the whole or separate parcels.

SEC. 6. When quarterly estimates are likely to prove not sufficient, the Warden shall purchase in open market all such supplies, under the order and direction of said board.

SEC. 7. The Warden may reside upon the penitentiary grounds, but in no case shall he be allowed to appropriate any goods, clothing, supplies, or any article whatsoever, purchased and intended for the use of the penitentiary, to his own use, but the same shall be kept by him, and applied to the sole use for which they were purchased.

SEC. 8. The Treasurer of said Board of Managers shall give a bond to the people of the Territory of Colorado, in the penal sum of fifteen thousand dollars, (\$15,000), with sureties to be approved by the Territorial Auditor, for the faithful performance of the duties of his office. The President and Secretary of said Board of Managers shall give a bond in a sum of three thousand dollars, (\$3,000), with sureties, for the same purposes, and approved in the same manner as the bond of the Treasurer, and all of said bonds to be filed with the Territorial Auditor.

SEC. 9. All acts, and parts of acts inconsistent with this act, are hereby repealed.

Approved February 9, 1876.

AN ACT

To amend Chapter Seventy (70) of the Revised Statutes of Colorado, entitled "Practice."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the words "or another summons may be issued at the option of the plaintiff," be added to section seven of said chapter.

Approved February 1, 1876.

AN ACT

Concerning Practice.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the service of summons, and all other original process, issuing out of any Court of law or chancery, or out of the office of any Justice of the Peace, shall be by delivering a true copy of the summons or other original process to each defendant.

Approved February 9, 1876.

AN ACT

Concerning Practice in the District and Probate Courts.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That hereafter no pleading or other paper belonging to the files of any cause, either at law or in

equity, now pending, or which shall hereafter be instituted in any of the Courts of this Territory, shall be taken from the files and out of the office of the Clerk of such Court, except by leave of such Court, granted upon motion made for such purpose; *Provided*, that nothing in this act shall be construed to deprive any party to any suit, or any licensed attorney, of the privilege of examining any pleading or paper, or making a copy thereof in the office of the Clerk.

SEC. 2. Any person, plaintiff or defendant, in any cause, either at law or in equity, now pending, or which may be hereafter instituted in any of the Courts of this Territory, may obtain from the Clerk of such Court in which any such cause is or shall hereafter be pending, a certified copy of any pleading or other paper, except in case of depositions, exhibits, and plats, belonging to the files of such cause, which has been filed by the adverse party, and the cost of obtaining such certified copy or copies shall be taxed as costs in the cause, and the amount so paid for any such certified copy or copies shall be recovered the same as other costs by the successful party in such cause.

SEC. 3. That hereafter the Clerks of the District and Probate Courts of this Territory shall be allowed the sum of ten cents per folio of one hundred words for such certified copies of any pleading or other paper on file, in any cause, either at law or in equity, now pending or which shall hereafter be instituted in any of said Courts, and the certificate of any such Clerk to any such pleading or other paper, shall be paid for at the said rate of ten cents for each folio of one hundred words of said certificate, and no other fee shall be allowed or charged for such certificate.

SEC. 4. Any person, plaintiff or defendant in any suit now pending, or hereafter instituted in any of the Courts of this Territory, at the time of filing any pleading or other paper in any such suit, may file a copy of the same for the use of the adverse party with the Clerk of such Court, which copy shall be delivered to said adverse party, if he shall apply to said Clerk therefor, after being compared and certified to by such Clerk, and the same, when delivered to

such adverse party, shall be in lieu of the certified copy mentioned in section two of this act.

SEC. 5. The Clerk of such Court shall be allowed a fee of two cents for each folio of one hundred words, for examining and comparing said copy with the original, and shall be allowed a fee of ten cents in addition for said certificate.

SEC. 6. This act shall take effect and be in force on and after the first day of March, A. D. 1876.

Approved February 4, 1876.

AN ACT

To amend Chapter Seventy (70) of the Revised Statutes of Colorado Territory, entitled "Practice."

Be it enacted by the Council and House of Representatives of Colorado Territory.

Section forty-one (41) of the act to which this is amendatory, is amended by adding to the end of said section the following: "*Provided, however, that a bond hereafter given for an appeal, or on a writ of error, which shall not be filed in the time limited by the Court, shall be deemed utterly void; but such bond may, by the consent in writing of the parties to the suit in which the same is required to be filed, and the sureties on the bond, be filed as a bond, in such cause, and be effectual.*"

Approved February 8, 1876.

AN ACT

In regard to Practice at Law and in Chancery.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. In suits at law and in chancery, against any corporation, summons shall be served in that county where
(14)

the principal office of the corporation is kept, or its principal business carried on, by delivering a copy to the President thereof, if he may be found in said county, but if he is absent therefrom, then the summons shall be served in like manner in such county, on either the Vice-President, Secretary, Treasurer, Cashier, General Agent, General Superintendent, or stock-holder of said corporation, within such time, and under such rules as are provided by law for the service of such process in suits against real persons, and if no such person can be found in the county where the principal office of the corporation is kept, or in the county where its principal business is carried on, to serve such process upon, a summons may issue from either one of such counties, directed to the sheriff of any county in this Territory where any such person may be found, and served with process. If such corporation keeps no principal office in any county, and there is no county in which the principal business of such corporation is carried on, then suit may be brought against it in any county where the above mentioned officers, or any, or either of them may be found; *Provided*, that the plaintiff may in all cases bring his action in the county where the cause of action accrued.

SEC. 2. In a suit against a railroad company, the summons may be served upon a local agent of the company, in that county where such agent is employed, and in which the cause of action accrued.

SEC. 3. If a corporation has no officer or agent upon whom a service of summons may be had as stated in the foregoing sections, that fact shall constitute a sufficient cause for proceeding against it by attachment, under the laws of this Territory, regulating such a proceeding.

Approved February 8, 1876.

AN ACT

Concerning the Probate Court of Park County.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the Probate Court of Park County, in this Territory, shall hereafter have concurrent jurisdiction with the District Courts of this Territory in all actions, suits, and proceedings whatsoever, as well at law as in equity, when the debt or sum claimed, or the value of the property whether real, personal, or mixed, or all, or both, or the matter or thing in controversy shall not exceed the sum of two thousand (2,000) dollars.

SEC. 2. The Judge of said Probate Court shall have authority to grant writs of injunction in all cases pending in said Court, and to dissolve the same in the same manner, and with the same effect as is now provided by law respecting the granting of writs of injunction by the Judges of the District Courts of this Territory.

SEC. 3. The Probate Court of said county of Park shall hereafter have and exercise all the jurisdiction now conferred by law on the several District Courts of this Territory, as provided in chapter twenty-six of the Revised Statutes of this Territory and the acts amendatory thereto. *Provided*, the said Probate Court shall not have or exercise jurisdiction over any suit or proceeding for a divorce wherein the amount claimed as alimony shall exceed the sum of two thousand (2,000) dollars.

SEC. 4. The said Court shall also have concurrent jurisdiction with the District Court in all suits and proceedings for the enforcement and foreclosure of miners and mechanics liens when the amount for which any lien sought to be enforced, shall not exceed the sum of two thousand (2,000) dollars, and for all proceedings for the sale of real estate of any ward on application of his or her guardian, as provided in chapter forty of the Revised Statutes of this Territory.

SEC. 5. Upon the trial of causes of forcible entry and detainer and unlawful detainer, said Court shall be governed by the rules of practice of the District Courts, and said Courts shall be deemed and held to be open at all times for the trial of causes of forcible entry and detainer and unlawful detainer. *Provided*, the summons shall have been served upon the defendant or defendants at least ten days prior to the return day thereof.

SEC. 6. In all cases in the said Probate Court when any interlocutory judgment shall be given in any action brought upon penal bond, or upon any instrument in writing for the payment of money and the damages resting in computation, the Court may proceed to assess the damages and enter final judgment therefor without a writ of inquiry and without empanneling a jury for that purpose; and in all other actions where judgment shall be rendered by default, the plaintiff may have his damages assessed by a jury in Court, or the Court may proceed to hear the evidence and assess the plaintiff's damages, without the intervention of a jury, and enter final judgment thereon.

SEC. 7. All issues of fact in said Probate Court, may be tried by the Court, unless any of the parties to a suit shall demand a trial by a jury, in which case such issue or issues shall be tried by a jury; and all parties to a suit shall be considered to have waived a trial by a jury, unless a demand shall be made for a trial by a jury, at or before the calling of any cause for trial; and all trials by jury in the said Probate Court shall be by a jury of six men, unless any of the parties to a suit shall demand a trial by a jury of twelve men; and all parties shall be deemed to have waived a trial by a jury of twelve men, and consented to a trial by a jury of six men, unless they shall have demanded a trial by a jury of twelve men, at or before the time of the calling of any cause for trial.

SEC. 8. Whenever a jury shall be required in the said Probate Court, the Court may issue a venire for a sufficient number of jurors, returnable forthwith, or at any other time

to be designated by the Court, not more than ten days after the issuing of such venire; and the cost of the issuance and service of such venire, and the fees of the jurors so summoned shall be paid by said county, and for every trial by a jury, whether they agree upon a verdict or not, the Court, when rendering final judgment in such cause, shall tax up as costs the sum of ten. (\$10) dollars for every such trial, if the same be by a jury of six men, and the sum of twenty dollars, if the same be by a jury of twelve men; and the same shall be included as part of the costs in the judgment so rendered, and it shall be the duty of the Court, if the same be not paid immediately, to issue execution therefor, if the same can be collected; and when collected, the same shall be paid over by the Probate Judge to the County Treasurer of said county, who shall give a receipt for the same.

SEC. 9. Appeals from the judgments of Justices of the Peace in said county, may be taken to the said Probate Court, or to the District Court of said county, at the option of the person appealing; and appeals to said Probate Court shall be taken in like manner and under the same regulations and restrictions as provided by law for appeals from the judgments of Justices of the Peace to the District Courts of this Territory; and all cases appealed to said Probate Court shall be heard and determined in like manner as in the District Court. Appeals may be taken from the final judgments or decisions of said Probate Court, to the District Court of said county, in the manner and under the regulations and restrictions provided in an act, entitled "An Act concerning Probate Courts," approved January 31st, 1872.

SEC. 10. There shall be six terms of said Probate Court in each year, and said terms shall hereafter be begun on the second Monday in the months of February, April, June, August, October and December, respectively, and shall each continue until all business of the term is disposed of.

SEC. 11. The provisions of an act, entitled "An act to

amend chapter seventy-one (71) of the Revised Statutes of Colorado Territory, relating to the Probate Courts of Clear Creek, Park, Summit, Lake and Weld Counties," approved February 13th, 1874, except so far as the same are embodied in this act, shall no longer apply to the Probate Court of Park County.

SEC. 12. This act shall take effect and be in force on and after the 20th day of February, A. D. 1876.

Approved February 11, 1876.

AN ACT

Concerning the Probate Courts of Larimer County.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the provisions of an act entitled "An Act to amend Chapter seventy-one (71) of the Revised Statutes of Colorado Territory, relating to the Probate Courts of Clear Creek, Park, Summit, Lake and Weld Counties," approved February 13, 1874, except section two (2) thereof, be and the same are hereby extended and made applicable to the Probate Court of Larimer County, in this Territory.

Approved January 31, 1876.

AN ACT

Concerning the Probate Court in Saguache County, Colorado.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The Probate Court of the county of Saguache, in this Territory, shall hereafter have concurrent jurisdiction with the District Court of this Territory, in all actions, suits and proceedings whatsoever, as well at law as in

equity, when the debt or sum claimed, or the values of the property, whether real, personal, or mixed, or all, or both, or the matter or thing in controversy, shall not exceed the sum of two thousand dollars (\$2,000).

SEC. 2. The Judge of said Probate Court shall have authority to grant writs of injunction in all cases pending in said Court, and to dissolve the same, in the same manner and with the same effect as is now provided by law respecting the granting of writs by the Judges of the District Courts of the Territory.

SEC. 3. In all cases in the said Probate Court, where any interlocutory judgement shall be given, in any action brought upon a penal bond, or upon any instrument in writing for the payment of money only, and the damages rest in computation, the Court may proceed to assess the damages and enter final judgement therefor, without a writ of inquiry, and without impanelling a jury for that purpose, and in all other actions, where judgement shall go by default, the plaintiff may have his damages assessed by a jury in Court, or the Court may proceed to hear evidence, and assess the plaintiff's damages without the intervention of a jury, and enter final judgement thereon.

SEC. 4. All issues of fact in the said Probate Court may be tried by the Court, unless any of the parties to a suit shall demand a trial by jury, when such issue or issues shall be tried by a jury; and all parties to a suit shall be considered as having waived a trial by jury, unless a demand shall be made for a trial by jury at or before the calling of any cause for trial; and all trials by jury in the said Probate Court may be by a jury of six men, unless any of the parties to a suit shall demand a jury of twelve men, in which case the trial shall be by a jury of twelve men; and all parties shall be deemed to have waived a trial by a jury of twelve men, and consented to a trial by a jury of six men, unless they shall have demanded a trial by a jury of twelve men, at or before the time of the calling of any cause for trial.

SEC. 5. The said Probate Court shall have power to ap-

point a special Master or Masters in Chancery, in any suit or proceeding in Chancery, pending therein, for any business requiring a Master in Chancery.

SEC 6. All appeals from Justices of the Peace in the said County of Saguache, shall be allowed and taken to the Probate Court of said county, in like manner and under like regulations and restrictions now provided by law for the taking of appeals from Justices of the Peace to the District Courts of this Territory; and causes so appealed to said Probate Court, heard and determined therein in like manner as causes appealed from Justices of the Peace to the District Courts of this Territory are now heard and determined in such District Courts; *Provided*, that in any cause before the Probate Judge of said County of Saguache, while exercising the jurisdiction conferred on him by law, as a Justice of the Peace, the party appealing may take his appeal either to the Probate Court of said county, or to the District Court of said county as now provided by law.

SEC 7 The said Probate Court shall have concurrent jurisdiction with the District Courts of this Territory, in suits and proceedings under the provision of chapter fifty-four of the Revised Statutes of this Territory, and the amendments thereto, where the amount for which any lien sought to be enforced shall not exceed the sum of two thousand dollars, and of proceedings for the sale of any real estate of any ward, on application of his or her guardian, as provided in chapter fifty of the Revised Statutes of the Territory.

SEC. 8. The said Probate Court of the County of Saguache, in this Territory, shall hereafter have and exercise all the jurisdiction now conferred by law, on the several District Courts of this Territory, as provided in chapter twenty-six of the Revised Statutes of this Territory; *Provided*, the said Probate Court shall not have or exercise jurisdiction over any suit or proceeding for a divorce, wherein the amount claimed as alimony shall exceed the sum of two thousand dollars.

Approved February 2, 1876

AN ACT

Concerning the Probate Court of the County of Lake.

Be it enacted by the Council and House of Representatives of Colorado Territory.

SECTION 1. That there shall be four terms of the Probate Court of the County of Lake, in each year, instead of the terms heretofore provided by law, and said terms shall begin on the first Mondays of January, April, July and October, respectively, and shall each continue, until all business of the term is disposed of.

SEC. 2. This act shall take effect and be in force from and after the 20th day of February, A. D. 1876.

Approved February 9, 1876.

AN ACT

Concerning the Probate Court of Gilpin County.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the provisions of an act, entitled "An Act concerning the Probate Court of Arapahoe County," approved February 13th, 1874, excepting section eight of said act, and the provisions of an act entitled an act to amend chapter seventy-one (71) of the Revised Statutes of Colorado Territory, approved February 9th, 1870, excepting therefrom sections three, eight, and nine, of said last named act, be and the same are hereby extended and made applicable to the Probate Court of the County of Gilpin in this Territory.

SEC. 2. That the Probate Court of Gilpin County shall, in addition to the jurisdiction conferred by section one of this act, have concurrent jurisdiction with the District Court, in all suits and proceedings for the enforcement and

foreclosure of all miners' and mechanics' liens, and in all suits and proceedings in chancery, arising under the laws of this Territory, in relation to the application for and entry of any and all lots and lands, in any town sites upon the public lands in said Gilpin County, where the amount for which any lien sought to be enforced, or the amount involved in any suit or proceeding in regard to any lot or lands in any town site in said county, shall not exceed the sum or value of two thousand dollars; and of all proceedings for the sale of the estate of any ward, on application of his or her guardian, as provided in chapter 40 of the Revised Statutes of this Territory,

SEC. 3. That hereafter there shall be five terms of the Probate Court for civil business, in the County of Gilpin, during each year, commencing on the first Monday of the month of February, April, June, September and December of each year; said Court shall be open at all times during business hours, for the transaction of business relating to the estates of deceased persons, and for Probate business proper, and for the trial of causes arising under the laws of this Territory, concerning forcible entry and detainer, and unlawful detainer, and said Court shall be governed by the rules of practice in the District Court of said County of Gilpin, in trials arising under the laws of forcible entry and detainer, and unlawful detainer; *Provided*, the summons shall be served on the defendant at least ten days before the return day thereof.

SEC. 4. That all judgments of Justices of the Peace, and all judgments of Police Magistrates in the County of Gilpin, may be removed and taken to the Probate Court or District Court of said county by writ of certiorari, in like manner and under the like regulations and restrictions now provided by law for the removal of judgments of Justices of the Peace in said county to the District Court, and causes so removed to said Probate Court, shall be heard and determined therein in like manner as causes removed from Justices of the Peace in said county to the District Court

are now heard and determined in such District Court, and all bonds for writs of certiorari to the Probate Court, shall be conditioned the same as bonds for a writ of certiorari in cases heretofore removed to the District Court in said county; *Provided*, that in any cause before the Probate Judge of said county, while exercising the jurisdiction conferred on him by law as a Justice of the Peace, the party removing said cause by writ of certiorari, shall remove the same to the District Court of said county, as now provided by law; but no appeal shall be allowed from said Probate Court to the District Court.

SEC. 5. The Probate Judge of Gilpin County is hereby authorized and empowered to appoint a Clerk of the Probate Court of said county, whenever he shall deem it necessary, and the business of said Court shall require it, and said clerk shall receive the same fees as clerks of the District Court in this Territory for like services, when no other provision is made by law.

SEC. 6. That no person shall be eligible to the office of Probate Judge of Gilpin County, unless he be an attorney at law in good standing, and shall have practiced law for two years.

SEC. 7. That an act entitled "An Act concerning the Probate Court of Gilpin County," approved February 13th, 1874, and all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, but such repeal shall in no way effect any suit or proceeding pending in said Probate Court at the time of the passage of this act.

Approved February 4, 1876.

AN ACT

Concerning Replevin.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. Where property shall hereafter be replevied, it shall be lawful for the defendant to retain the same in his possession until the final determination of the action, if the defendant, or any one or more of several defendants, shall make and deliver to the officer holding such writ a bond, with surety or sureties to be approved by such officer, conditioned to pay all costs which have accrued or may accrue in such action, and to deliver such property to the plaintiff, in case return thereof shall be awarded, and to pay all damages which may accrue to the plaintiff by reason of the unlawful detention of such property.

SEC. 2. In order to enable defendants to avail themselves of the privileges of this act, the officer holding such writ, after replevying under the same, and after using all due exertion to notify the defendants in person of such replevy, shall hold such property for the period of three full days, exclusive of the day of service of such writ upon such property.

SEC. 3. If, within such time, the defendant, or one or more of several defendants, give such forthcoming bond, the property shall remain with the defendant; and, if no such bond be given, the property shall be delivered to the plaintiff, upon his giving bond as now required by law.

SEC. 4. Before approving any such bond of the defendant, the property shall be appraised in the same manner as now required under section two of an act entitled "An Act concerning Practice," approved February 13, 1874; and the penalty shall be in double such appraised value.

Approved February 11, 1876.

AN ACT

To amend an Act to provide for the Assessment and Collection of Revenue, approved February eleventh (11), 1870.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section fifty-seven of the act to which this is amendatory be stricken out, and the following be enacted instead thereof, viz: "If the Treasurer shall have reason to believe that any person charged with taxes upon personal property is about to remove from the county, or is about to remove any of his personal property from the county, or to sell, transfer, assign, convey, or conceal, or otherwise dispose of the same, or to cause the same to be done, to avoid paying the taxes on personal property that may have been assessed to him,—such Treasurer may, at any time after such taxes are due, proceed to collect the same, with costs and charges, by distress and sale of any personal property of such person, in the manner provided in this act, whether the same is the personal property which was assessed to him or not."

SEC. 2. Section eighty-two (82) of the act to which this is amendatory is hereby repealed, and the following enacted instead thereof, viz: Real property, sold under the provisions of the act to which this is amendatory, may be redeemed by the owner, his agent, assignee, or attorney, at any time before the expiration of three years from the date of sale, and at any time before the execution of the deed to the purchaser, his heirs or assigns, by the payment to the Treasurer of the proper county, to be held by him subject to the order of the purchaser, of the amount for which the same was sold, with interest thereon at the rate of twenty-five per cent. per annum from the date of sale, and ten per cent. on the same if redeemed in two (2) months from the date of the sale thereof, and fifteen per cent thereon if redeemed in four (4) months from the date of sale, and twenty per

cent. if redeemed in six (6) months from the date of sale, and twenty-five per cent. if redeemed in one (1) year from the date of sale, and forty per cent. if redeemed in two (2) years from the date of sale, and fifty per cent. if redeemed in three (3) years from the date of sale, together with the amount of all taxes accruing on such real estate after the first sale, paid by the purchaser and endorsed on his certificate of purchase, with interest on the same at the rate of twenty-five per cent. per annum on such taxes paid subsequent to such sale."

SEC. 3. That section one hundred and five (105) of the act to which this is amendatory be and the same is hereby repealed, and the following is enacted instead thereof, viz: "When, by mistake or the wrongful act of the Treasurer, Clerk, for Assessor, or from double assessments, land has been sold on which no tax was due at the time, the county shall hold the purchaser harmless by paying him the amount of principal and interest, at the rate of twenty-five per cent. per annum; and the Treasurer, Clerk, or Assessor, as the case may be, and his sureties on his official bond, shall be liable to the county for all losses sustained by the county from sales made through their mistake or misconduct.

Approved February 9, 1876.

AN ACT

To provide for the Assessment and Collection of Revenue of the Moneys and Credits of Non-residents.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1 All moneys owned by non-residents that are kept, used and loaned within the Territory of Colorado, for the purpose of investment and profit, shall be subject to taxation the same as the personal effects and choses in action of persons domiciled in this Territory.

SEC. 2. Every person, whether principal or agent, loaning money within this Territory for the purpose of profit as aforesaid, when such money is owned by a non-resident, shall, on the first day of May, in every year, return to the County Assessor in the county where such agent resides, the amount of moneys and credits owned by non-residents of the Territory of Colorado, in the hands of such principal or agent using the same, and the amount so returned shall be taxed in like manner as the property of residents, but with this exception, that such amount so returned shall be taxed for Territorial, county and general school purposes only, and for no other.

SEC. 3. Any person, whether principal or agent, using moneys and credits of non-residents, who fails to return the same to the County Assessor, as provided in section two of this act, the Assessor shall proceed to assess the same from such sources as are at his command, and to the aggregate amount so assessed, shall be added thereto fifty per cent. thereof, and the total amount including such fifty per cent. shall be deemed and taken to be the basis for taxation against the owner thereof as in other cases. *Provided*, Nothing herein contained shall prevent the agent of the person so assessed from controverting the amount assumed by the Assessor, if said agent will thereupon make a true return under oath of the moneys and credits in his hands, as of said first day of May.

SEC. 4. If the principal shall refuse or fail to pay any taxes assessed as aforesaid, then it shall be the duty of any agent to pay such tax of his principal, assessed as aforesaid, out of any moneys that may be in the possession of such agent belonging to the party owing taxes as aforesaid.

Approved February 11, 1876.

AN ACT

Amendatory to Section Sixty-four (64) of an Act entitled "An Act to provide for the Assessment and Collection of Revenue," approved February 11th, 1870.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the following be and is hereby added to section sixty-four (64) of "An Act to provide for the Assessment and Collection of Revenue," approved February 11, 1870, to-wit: "If, in any county of this Territory, a newspaper shall be published in the Spanish or German language, or both, the Treasurer of such county shall, in addition to the notice provided for in sections sixty-three (63) and sixty-four (64) of said act, publish in said paper or papers, once a week, for not less than four weeks, a notice in the Spanish or German language, or both, similar in form to that given in section sixty-three (63) of said act; *Provided*, That no such publication shall be made in more than one newspaper published in each of said languages in any one county.

Approved January 31, 1876.

AN ACT

Regulating the Pay of Road Overseers in Douglas and other Counties.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The road overseers of Douglas, Elbert, Weld, Larimer, Fremont, Las Animas, Huerfano, Saguache, Gilpin, and Jefferson counties, shall each receive for their services, while in actual employment, the sum of three (3) dollars, and no more, for each day so employed.

Approved February 9, 1876.

AN ACT

To establish a County Road, and for other Purposes.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That that part of Gilpin County wagon road commencing at the easterly end of Main street, in the city of Black Hawk, thence down North Clear Creek and up the Smith Hill to the summit thereof, and known as the Smith or Cut-off road, and also the road leading from said Smith road, commencing at a point about forty rods southerly from the house known as the Smith House, thence easterly along the present traveled road to the county line between Gilpin and Jefferson counties, be, and the same is hereby made and declared to be a county road.

SEC. 2. That the owners of the aforesaid Smith, or Cut-off road, are hereby authorized and empowered to close, or cause to be closed, that part of the said Smith, or Cut-off road, lying between and extending from the said Smith House to the point known as the Junction

SEC. 3. That this act shall not be construed to in any way affect the rights of the owners of the Gilpin County Wagon Road Company, to any other part or parts of their road.

Approved February 11, 1876.

AN ACT

In relation to Road Law in Lake and Saguache Counties.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. Hereafter, there shall be elected annually, at the general election, for the counties of Lake and Saguache, respectively, one Road Overseer, and no more. He shall be elected in the same manner as other county officers are

elected, and shall hold his office for the term of one year, and until his successor is elected and qualified; and may appoint one or more deputies, for whose official acts he shall be responsible.

SEC. 2. The Road Overseers in and for said counties of Lake and Saguache shall, before entering upon the duties of their office, execute and file with the County Clerk of their respective counties a bond in the penal sum of two thousand dollars, conditioned for the faithful discharge of their duties, with security or securities approved by the Board of County Commissioners, respectively.

SEC. 3. The Road Overseer of each of said counties shall superintend the road labor of his county, under direction of the Board of County Commissioners of such county.

SEC. 4. The Board of County Commissioners of either of the counties of Lake or Saguache may levy a property tax for road purposes of fifty cents on each one hundred dollars; and shall also levy on every able-bodied male between the ages of twenty one and fifty years a poll tax of four dollars, to be levied and collected in the same manner as other taxes are levied and collected, in each year. The taxes so collected shall be apportioned by the Board of County Commissioners of each of said counties among the several road districts, in proportion to the amount of taxes collected from them, respectively; *Provided*, That the said Commissioners may retain not exceeding thirty per cent. of the taxes so collected in each year for the purpose of building bridges and aiding in the construction of such roads as they may deem proper, said taxes so retained to be expended under the direction of the said Boards of Commissioners respectively.

SEC. 5. The Road Overseers of the respective counties shall each, at such times as he deems proper, notify all persons subject to road tax in his county to appear at such times and places as he may direct, to perform an amount of work not to exceed the amount of tax levied against them for road purposes, less the amount retained by the

Commissioners for bridge and road purposes, and they shall receive for such work the sum of two dollars per day; and for such work the Road Overseer shall give each of such persons an order on the County Treasurer, which shall be received by the Treasurer in payment of their respective road taxes; *Provided*, That, if said tax payer, or any of them, neglect or refuse to perform such labor, when so called upon by said Road Overseer, he may, by direction of the Board of County Commissioners of his county, employ such other persons as he deems proper to perform such labor, for which he may give an order on the Treasurer for the labor so performed, which shall be paid out of the funds set apart for said road district.

SEC. 6. The Road Overseer in each of said counties shall receive for his services, while actually employed in his official capacity, the sum of four dollars per day, to be paid out of the county road fund, by order of the Board of Commissioners of his county; *Provided*, That said Board may increase the salary to five dollars per day whenever they may deem it expedient to do so.

SEC. 7. It shall be the duty of the Board of County Commissioners of each of said counties to limit the Road Overseer to a certain number of days, which they may deem sufficient in which to perform his labors; and also to apportion the number of days which shall be allowed to each district, the apportionment to be based upon the taxable property of each district.

SEC. 8. That section twenty-three (23) of chapter seventy-six (76) of the Revised Statutes of Colorado, so far as it relates to the election of Road Overseers, shall not apply to the counties of Lake and Saguache.

Approved January 11, 1876.

AN ACT

Concerning Roads and Highways in Pueblo County.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the Board of County Commissioners of Pueblo County may levy a property tax for road purposes which shall not exceed fifty cents on each one hundred dollars; and shall also levy on every able bodied male, between the ages of twenty-one and fifty years, a poll tax of four dollars (\$4.00), to be levied and collected in the same manner as other county taxes are levied and collected in each year. The provisions of this section shall not apply to incorporated cities and towns.

SEC. 2. That the taxes so collected shall be apportioned by the Board of County Commissioners of said county, among the several road districts in proportion to the amount of taxes collected from them respectively. *Provided*, That the said Commissioners may retain not exceeding thirty per cent. of the taxes so levied in each year, for the purpose of building bridges and aiding in the construction of such roads as they may deem proper, said taxes so retained to be expended under the directions of said board.

SEC. 3. That each road overseer in said county shall, at such times as he deems proper, notify all persons subject to road tax to appear at such times and places as he may direct, to perform an amount of work not to exceed the amount of tax levied against them for road purposes, less the amount retained by the Commissioners for bridge and road purposes, and they shall receive for such work the sum of two dollars (\$2.00) per day; and for such work the road overseer shall give each of said persons an order on the County Treasurer which shall be received by the Treasurer in payment of their respective road taxes; *Provided*, That if said tax payer, or any of them, neglect or refuse to perform such labor when so called upon by said

road overseer, he may employ such other persons as he deems proper to perform such labor for which he may give an order on the Treasurer for the labor so performed which shall be paid out of the funds set apart for said road district.

SEC. 4. The road overseers aforesaid shall receive for their services while employed in their official capacity, the sum of four dollars (\$4.00) per day, to be paid out of the road fund, and for any other labor they shall perform on the road they shall be allowed the same compensation as other tax payers for such labor.

SEC 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved February 7, 1876.

AN ACT

To enable certain Counties to build public Wagon Roads, and to issue Bonds for such purpose.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the County Commissioners of the counties of San Juan, La Plata, Hinsdale, and Rio Grande, are hereby authorized to issue bonds of said counties, to be used in the building of free public wagon roads in said counties respectively, in such sums and for such roads as the legal voters of said counties may respectively determine at any election or elections to be held as hereinafter provided; *Provided*, That such bonds shall not be issued in the aggregate for a greater sum than twenty-five thousand dollars for each of said counties.

SEC. 2. Such bonds shall be voted, issued and paid, in accordance with the provisions of sections 53, 54, and 55, of chapter eighteen of the Revised Statutes of Colorado Territory, so far as the same may be applicable, and shall be disposed of by the County Commissioners of the

county issuing them, subject to such conditions as may be prescribed by the voters of such county at any election to which the proposition to issue such bonds shall be submitted to them, or, in the absence of such conditions, under such rules and regulations as the said Commissioners may themselves provide; *Provided*, That in the counties of San Juan, La Plata and Hinsdale, no elections shall be held under the provisions of this act except in the months of June, July, August, and September; *And provided further*, That neither of such counties mentioned in this act shall issue bonds to build or aid in the construction of roads without the limits of the county issuing the same.

SEC. 3. The County Commissioners of San Juan, or the original La Plata County, may and are hereby authorized to cancel and destroy the bonds of said county authorized to be issued for county buildings and other county expenses, under and by authority of an election held in October 1874.

Approved February 9, 1876.

AN ACT

To amend Section Thirty-seven of Chapter Seventy-six of the Revised Statutes of Colorado.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section thirty-seven of chapter seventy-six of the Revised Statutes be amended by inserting after the word "Pueblo," in the second line, the words "La Plata, San Juan, Hinsdale."

Approved February 11, 1876.

AN ACT

To Amend, Revise, and Consolidate the Acts Relating to Public Schools.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SUPERINTENDENT OF PUBLIC INSTRUCTION.

SECTION 1. At the present session of the Legislative Assembly, the Governor shall nominate, and, by and with the consent of the Legislative Council, shall appoint a Territorial Superintendent of Public Instruction, who shall hold his office for two years, and until his successor shall be duly elected and qualified. He shall be commissioned by the Governor, and shall keep his office at the seat of government. At the general election to be held in 1877, and every two years thereafter, a Territorial Superintendent of Public Instruction shall be elected by the qualified voters of the Territory.

SEC. 2. Before entering upon the duties of his office, he shall execute his bond in the penal sum of five thousand (\$5,000) dollars, payable to the people of the Territory of Colorado, with two good and sufficient sureties, to be approved by the Secretary of the Territory, conditioned upon the faithful discharge of his official duties. He shall also, at the same time of giving his bond, take and subscribe an oath, or make affirmation, that he will support the Constitution of the United States and the Organic Act of the Territory of Colorado, and that he will faithfully and impartially perform the duties of his office, which oath shall be endorsed upon said bond; and the bond shall be filed with and preserved by the Secretary of the Territory.

SEC. 3. It shall be his duty to file all papers, reports and public documents transmitted to him by the school officers of the several counties, each year separately, and hold the same in readiness to be exhibited to the Governor, or to any committee of either house of the Legislative Assembly,

and shall keep a fair record of all matters pertaining to the business of [his] office. He shall have a general supervision of all the County Superintendents and of all the public schools of the Territory. He shall make such rules and regulations as he shall deem necessary and expedient to carry into full effect the provisions of this act. He shall cause so many copies of this act—with the forms, regulations, and instructions herein contemplated thereunto annexed—to be from time to time printed and distributed among the several school officers and teachers, as he shall deem expedient. He shall furnish the several County Superintendents with suitable blanks for teachers' certificates, and for superintendents' reports—the expenses of such printing and blanks to be paid from the Territorial Treasury.

SEC. 4 He shall, on or before the twentieth day of December, in every year preceding that in which shall be held a regular session of the Legislature, report to the Governor the condition of the public schools, with such suggestions and recommendations relating to the affairs of his office as he may think proper to communicate. He shall render an opinion, in writing, touching the administration and construction of the school law, whenever asked by a school officer so to do.

SEC. 5. He shall provide and keep an official seal. Copies of all papers deposited or filed in his office, and all acts, orders or decisions made by him and of his official letters may be authenticated under the said seal, and when so authenticated shall be evidence in any court in the Territory equally with and in like manner as the original.

SEC. 6. He shall receive a salary of fifteen hundred dollars per annum, to be paid quarterly out of the Territorial Treasury. He shall also receive for actual necessary traveling and other expenses, while traveling on the business of the department, and for office rent, fuel, furniture, postage, books, stationery, and other necessary contingent expenses, pertaining to his office, not exceeding five hun-

dred dollars per annum, the same to be paid quarterly as aforesaid.

SEC 7. The term of office of the Superintendent of Public Instruction shall commence the first Monday of February, biennially.

COUNTY SUPERINTENDENTS.

SECTION 8. There shall be elected, biennially, at the regular county election in each county, a County Superintendent of Public Schools, who shall take office on the first Monday of the month next succeeding that in which such election shall be held. He shall hold his office for two years and until his successor shall be elected and qualified. Before entering upon the duties of his office, he shall take and subscribe an oath that he will faithfully discharge the duties of his office as required by law, and he shall give an official bond to the county in a penal sum to be fixed by the Board of the County Commissioners, but not less than two thousand dollars, with two or more sureties, to be approved by said Board of Commissioners, conditioned for the faithful performance of the duties of his office.

SEC 9 Should the Superintendent elect, fail to qualify as aforesaid, or should there occur a vacancy in said office, the Board of County Commissioners shall, at their next meeting after such vacancy or failure to qualify occurs, appoint an eligible and suitable person, who shall qualify within ten days after his appointment, and who shall continue in office until the time prescribed for filling said office by election, as provided in Section eight. Should such appointee fail to qualify as aforesaid, another appointment shall be made in the same manner. If the County Commissioners fail to fill such vacancy at their next meeting after its occurrence, the Superintendent of Public Instruction shall, upon receiving notice thereof from the county clerk of such county, appoint a suitable person to said office, who shall qualify as aforesaid.

SEC. 10. On the last Saturday of February, May, August and November, in each year, he shall meet all persons

desirous of passing an examination as teachers in some suitable room at the county seat, notice of which shall be given in some newspaper published in the county, at which time he shall examine all such applicants in orthography, reading, writing, arithmetic, English grammar, geography, the history of the United States, including the Constitution of the United States, Physiology, laws of health, the elements of the natural sciences, theory and practice of teaching, and so much of the School Law, at least, as relates to the duties and responsibilities of teachers. If the applicant is to teach in a school of high grade, the examination shall extend to such additional branches of study as are to be pursued in such school. If satisfied of the competency to teach and of the good moral character of an applicant, he shall give such applicant a certificate as provided in the following section.

SEC 11. The certificates issued by the County Superintendents shall be of three grades, distinguished as *First*, *Second* and *Third*. The first grade certificate shall be valid for two years; the second grade for one year; the third grade for six months. A County Superintendent may renew a certificate of the first grade by endorsing such renewal thereon. It shall be deemed a violation of law to grant a certificate of either of the above named grades without first examining the candidate thoroughly in all the branches as specified in Section ten of this Act. The Superintendent may, however, upon satisfactory evidence of competency, issue a temporary certificate, which shall be valid only until the next regular examination, at which time the holder of such temporary certificate shall appear for a complete examination as aforesaid. It shall not be lawful to renew a temporary certificate, nor to grant a second one to the same person. The Superintendent shall keep an official record, in a suitable book, of the persons so examined, containing the name, age, nativity, date of examination, and grade of certificate issued.

SEC 12. If, for any cause, the Superintendent is unable to attend to the duties of his office, he may appoint a dep-

uty, who shall take the usual oath or affirmation of office, and who may exercise all the functions of County Superintendent, but such deputy shall draw no salary from the public fund.

SEC. 13. Each County Superintendent shall furnish himself, teachers, district secretaries and treasurers, all necessary blanks and blank books required for official use, except blanks for teachers' certificates and for reports to be made to the Territorial Superintendent. And such blanks and blank books shall be furnished at the cost of publication with freight added. And he shall furnish no other blanks nor blank books than such as conform to the forms authorized by the Superintendent of Public Instruction. But the latter officer shall not copyright such forms, nor be directly or indirectly compensated by reason of the sale thereof. The blanks and blank books furnished the districts shall be paid for out of the district fund.

SEC. 14. On the first day of October of each year, the County Superintendent shall make a report to the Territorial Superintendent for the school year which ended August thirty-first next preceding, which report shall contain an abstract of the reports made to him by the District Secretaries, together with a statement of the financial affairs of his office, and of such other matters as the Territorial Superintendent shall direct, or as he himself may deem essential in exhibiting the true condition of the schools under his charge.

SEC. 15. The County Superintendent shall apportion all school money to the school districts, in accordance with the provisions of section seventy of this act, quarterly to-wit: On the first Monday in January, April, July, and October in each year. Immediately after such apportionment he shall certify to the County Treasurer the amounts which are to be placed to the credit of the several districts.

SEC. 16. It shall be the duty of the County Superintendent to exercise a careful supervision over the schools of his county; to visit each school once each quarter it is in ses-

sion, to see that all the provisions of this act are observed and followed by the teachers; to keep in a good and substantial bound book a record of his official acts, and of other matters required by law to be recorded; to obey the legal instructions of the Territorial Superintendent, and to exhibit his books and report the financial condition of his office to the Board of Commissioners on or before the twentieth of August in each year, and shall cause to be published in some newspaper of his county, if such there be, on or before the 31st day of August, such financial statement.

SEC. 17 If the County Superintendent fails to make a full and correct report to the Superintendent of Public Instruction, or refuses or neglects to report to the Board of County Commissioners, as required by this act, he shall, upon information from the Superintendent of Public Instruction, or after being personally served by the Board of County Commissioners with a written notice to report within ten days, and, having failed to do so, forfeit the sum of one hundred dollars, which sum the Board of County Commissioners may deduct from any money due him. Said forfeit may, however, in all cases, be recovered by suit upon his official bond.

SEC 18 The County Superintendent shall have power, and is hereby authorized to administer oaths and affirmations to school directors, teachers and all other persons, in official matters, relating to schools, but shall receive no fee for so doing

SEC. 19. The County Superintendent shall appoint directors for any district which fails to elect at the regular time, and shall fill vacancies which may occur in any board of directors by reason of death, removal from office or from the district, resignation, or otherwise, except in boards of directors of districts of [the] first class

SEC. 20 It shall be the duty of the County Superintendent to ascertain the boundaries of each school district in his county, and to make and keep a record of the same, in a suitable bound book, which record shall show definitely

the boundaries of each district. In case the boundaries are found to be conflicting or incorrectly described, he shall harmonize the same, and make a report of such action to the boards of school directors whose districts are affected thereby. District officers shall have access to such records for the purpose of examination, making copies, or for other legitimate purposes.

SEC. 21. For the time necessarily spent in the discharge of his duty he shall receive five dollars per day, and his reasonable traveling expenses. He shall as far as is practicable, render an itemized bill of his services and expenses, each quarter, to the board of County Commissioners, and shall make oath that the bill is just and correct, whereupon the County Commissioners shall order a warrant on the County Treasurer, payable from the general county fund; *Provided*, That the annual compensation so received shall in no case exceed eight hundred dollars, nor shall it exceed one hundred dollars for each regularly organized district in the county. The Commissioners shall provide him with all necessary blank books, stationery, postage, expressage, and other expenses of his office not otherwise provided for, which last mentioned expenses shall be paid for from the county fund.

SEC. 22. No person shall hereafter be eligible to the office of County Superintendent of Schools who does not possess a diploma from some university, college, normal or other school legally empowered to grant the same, or a State certificate issued according to law by the proper authority of some State, or a professional certificate of the first grade from a County Superintendent of this Territory in good and regular standing, issued at least one year prior to his election, or a certificate of competency from the Territorial Superintendent of Public Instruction, nor shall any person be eligible to said office who does not possess a good moral character. This Act shall not be so construed as to cause the removal of any person from office before the expiration of the term for which he was elected.

SEC. 23. It is hereby made the duty of the County Treasurer in each county to keep a separate account with each school district in his county; to place to the credit of each, the amount of money as certified to by the County Superintendent as provided in Section fifteen; and to pay over the money so collected upon the presentation of the legally drawn warrants or orders of the district officers entitled to draw the same; *provided*, that if the County Superintendent shall notify the County Treasurer, in writing, that there has been a failure, on the part of any board of directors, to comply with the law, and that said money should be withheld from said board of directors, he shall retain the same until further notice from the County Superintendent. All money which shall become forfeited by any district, shall be put into the general school fund and re-apportioned as other monies.

ORGANIZATION OF DISTRICTS, ETC.

SECTION 24. For the purpose of organizing a new district, either from unorganized territory or from an old district, the parents and guardians of at least ten children, who shall possess the right to attend school in such new district, must petition the County Superintendent, in writing, which petition shall specify, as near as may be, the number of persons of school age residing within the proposed boundaries of such new district. If such new district is to be formed from one or more old districts, the County Superintendent shall notify the secretary of each district to be affected by such formation of such petition, and in every case he shall direct some one of the petitioners who is a legal voter to notify each elector residing within the district so to be formed, by personal service as far is convenient, and to post a notice in three public places in said new district (one of which shall be the place of meeting), that such a petition has been made, and that a meeting will be held, naming the time and place of such meeting, to determine the same.

SEC. 25. The qualified electors of such proposed new

district, when assembled in accordance with the notice above required, shall organize by electing a chairman and secretary. Every legally qualified elector, and none other, shall be entitled to vote at such meeting. After the organization of such meeting, as above mentioned, a vote shall be taken by ballot on the question whether or not the proposed district shall be organized. Those in favor of organization shall vote "Yes," and those opposed, "No." If two-thirds of the legal voters so voting are found to be in favor of such organization, and not otherwise, the meeting shall proceed to elect by ballot a board of directors of said district, who shall hold office until the ensuing regular election, as provided for in section 41 of this act. The secretary of said meeting shall immediately transmit to the County Superintendent a copy of the proceedings of the meeting, upon the receipt of which, if the proceedings are found to have been in accordance with law, he shall establish and number such district, and enter a record of the same, and of the proceedings of the meeting, as provided in section 20 of this act, *provided*, If such organization of a new district works great hardship to any head of a family, a statement of the facts may be submitted to the Superintendent and two disinterested persons, one to be named by the Superintendent and one by the person affected, and if, in their judgment, good cause be shown for the transfer, he may be transferred to another district, *provided further*, That no district not containing within its boundaries a city or incorporated town shall hereafter be divided for the purpose of forming a new district, unless it contains an area of more than nine square miles, and that where practicable the district boundaries shall conform to government lines: *provided also*, That no incorporate city or town shall hereafter be divided into two or more school districts.

SEC. 26. Two or more contiguous districts may be united into one district. For the purpose of effecting such union, each district shall, at a special meeting legally called for the purpose, determine by ballot whether or not a majority of the legal voters assembled are in favor of such union.

Those in favor shall vote "Yes," and those opposed, "No." If a majority in each district are in favor of the union, there shall be called a union meeting by giving notice as provided in section twenty-four, at which union meeting the organization shall be perfected by the election of officers and other necessary proceedings, in the same manner as provided for the organization of districts in section twenty-five of this act.

SEC 27. No new district, formed as provided in sections twenty-four and twenty-five of this act, shall be entitled to any portion of the public school money until a school has actually commenced therein; and, unless within six (6) months from the establishment of such district a school be opened and maintained, as required by law, then the action making such district shall be void, and all actions had by such district, acting as a body corporate, shall cease and determine, and all taxes which may have been levied in the old district or districts, out of which the new one was formed, shall be valid and binding upon the real and personal property of the new district, the same as if said new district had never been organized; *provided*, that the County Superintendent may, for good cause, extend the said six (6) months to eight (8) months. Said time of limitation shall begin to run from the time of the meeting at which it was voted to organize the district.

SEC. 28 A joint school district may be formed from territory belonging to two or more contiguous counties. For the purpose of organizing a joint district, the same preliminary steps shall be taken, and the same course pursued, as is provided for the organization of other districts in sections 24 and 25. Such districts shall be designated as Joint District No. ———, of the counties of ———, and ———, and shall be so numbered that it shall have the same number in all the counties from which it is formed. The petition required by section twenty-four shall be made to each County Superintendent interested, who shall unite in forming such district; *provided*, that the school census, the record of attendance at school, the assessing of pro-

perty, the collection of taxes, and all other acts which from their nature should be separately kept, shall be kept and done, and the reports thereof made as if each portion of said joint district belonging to each county were an entire district in the respective counties. The teachers of such joint district shall have a certificate from the Superintendent of the county in which the school house is located.

SEC. 29. When a new district is formed from one (1) or more old ones, it shall be entitled to a just share of the school moneys remaining to the credit of the old district or districts, after deducting for the payment of all outstanding debts, excepting debts incurred for building and furnishing school houses. Immediately after a school has been commenced in such new district, the County Superintendent shall divide and apportion such remaining moneys and such as may afterwards be apportioned during the then current year, according to the number of census school children resident in each district, for which purpose he may order a census to be taken.

UNION HIGH SCHOOL.

SECTION 30 Whenever the School Boards of two (2) or more contiguous school districts shall each deem it advisable to establish a Union High School, the County Superintendent shall, at the request of two (2) of the secretaries of the boards, call a meeting of the several boards interested, by giving personal notice to each member, which meeting shall elect by ballot from among the members of said boards, if a majority of the members of each board are present, a committee of three (3) to be known as the High School Committee of such Union School. The County Superintendent shall be *ex-officio* an additional member of said committee, and shall preside at the meetings thereof. There shall be elected a secretary of such committee, and, if need be, a treasurer.

SEC. 31. The members of said High School Committee shall hold the office for and during the time they are members of their respective boards. All vacancies in said com-

mittee, other than such as are caused by the expiration of the term of office, shall be filled by the school board of which the person so vacating was a member. The secretary shall be elected annually, and may receive such compensation as the committee shall deem proper to allow.

SEC. 32. The regular meetings of the High School Committee shall be held on the first Saturday of March, June, September, and December of each year, and special meetings may be held at any time upon the call of the County Superintendent, or of two (2) members of the committee.

SEC. 33. Said committee shall exercise all the powers and perform all the duties with reference to said High School that are accorded to and required of school boards throughout the Territory, as provided in Section 47 of this Act, and shall have power to establish and prescribe the qualifications and manner of examination for admittance to the High School.

SEC. 34. After the first establishment of such a Union High School, it shall be maintained until the then next regular apportionment of the county school fund, as follows. Each district shall draw from its school fund and cause to be placed to the credit of the High School fund such part of the whole expenses as shall be proportioned to the number of pupils attendant at such High School from such district. After the first year, or part of a year, so as above provided for, the said High School shall, so far as practicable, be rated as a separate district. It shall be entitled to draw from the general county fund its quota for attendance, as provided by section seventy (70) of this act, and the deficit shall be made up from the several district funds in proportion to the number of pupils from each district who attended said High School during the then past year.

SEC. 35. The High School may be maintained during forty (40) weeks in each year, and shall be free to all children in the county who are qualified for admission accord-

ing to the requirements prescribed by the committee, and whose districts contribute to its support.

SEC. 36. Every district in the county which contributes to the support and patronage of said High School shall, by its board of directors, be entitled to a voice in the election of members of the committee.

SCHOOL DISTRICTS, OFFICERS AND ELECTIONS.

SECTION 37. Each regularly organized school district heretofore formed, or that may be formed as provided in this act, is hereby declared to be a body corporate, by the name and style of School District No. —, in the county of —, and Territory of Colorado, and in that name may hold property and be a party to suits and contracts, and be empowered with all the rights and subject to all the liabilities usually belonging to bodies corporate in this Territory.

SEC. 38. There shall be elected in each school district of this Territory, annually, and in the manner prescribed in sections 41 and 42 of this act, a board of directors. The number of persons that shall constitute each board of directors shall be determined as follows: The school districts shall be classified into first (1st) and second (2d) classes. Districts containing a school population of more than one thousand (1,000) shall be denominated districts of the first (1st) class. Districts containing a school population not exceeding one thousand (1,000) shall be denominated districts of the second (2d) class. At the next regular election hereafter, as provided in section forty-one (41) of this act, all districts of the first (1st) class shall elect by ballot two (2) directors for three (3) years, two (2) directors for two (2) years, and two (2) directors for one (1) year, and annually thereafter there shall be elected two (2) directors for three (3) years. All districts of the second class shall elect one (1) President for three (3) years, one (1) Secretary for two (2) years, and one (1) Treasurer for one (1) year, and annually thereafter there shall be elected for three (3) years a person to fill the vacancy occurring. School Boards of the

first-class shall, at their first meeting after their election, elect a President, who shall be a member of the board; a Secretary, who may or may not be a member of the board, and a Treasurer, who shall not be a member of the board; who shall each hold office for one year or until his successor is elected and qualified. Such boards, after organization, shall exercise all the power given to the electors of districts of the second class, as specified in section fifty-eight of this act.

SEC. 39. Every school district in Colorado Territory which now exercises the prerogatives of a school district, and the legality of whose formation, or organization, has not been legally denied, and which has a Board of School Directors, duly qualified according to the usual method, and has exercised the rights and enjoyed the privileges of a legally and regularly established district for one (1) year, shall be, and is hereby, declared to be a legal school district.

SEC. 40. All school districts now formed, or which may hereafter be formed, which shall continue to exercise, undisputed, the prerogatives and enjoy the privileges of a legally formed district for the period of one (1) year next succeeding the election of its officers, shall be deemed to be a legally formed district, and its legality shall not thereafter be questioned.

SEC. 41. The regular election for electing members of the school boards shall be held annually in each district on the third Saturday of June. The secretary of each school board shall cause written or printed notices to be posted, specifying the day and the place of such election and the hours which the ballot-box shall be kept open, not less, however, than three hours. Said notices shall be posted in at least three public places in the district, one of which shall be the school house, if there be one, at least six days previous to the time of the election. If the secretary fail to give such notice, then any two legal voters residing in the district may give such notice over their own names, and such election may be held after the day fixed by this act.

for such election. All elections shall be by ballot, and in the absence of a notice, the ballot-box shall be opened at 9 o'clock a. m. and closed at 4 o'clock p. m.

SEC. 42. Every elector, legally qualified to vote at a general election, having been a resident of the school district for thirty (30) days next preceding the day of election, and who shall have paid all school taxes assessed against him, shall be entitled to vote. Any person offering to vote may be challenged by any legally qualified elector of the district, and any one of the judges of the election shall thereupon administer to the person challenged, an oath as follows: "You do swear (or affirm) that you are a citizen of the United States, or that you have declared your intention to become such; that you have resided in the Territory of Colorado six months immediately preceding this election; that you are twenty-one years of age; that you have resided in this district thirty days next preceding this election, that there are no unpaid school taxes assessed against you, and that you have not voted at this election, so help you God." If he shall refuse to take such oath or affirmation his vote shall be rejected, and any person guilty of voting illegally shall be punished as provided in the general election law of this Territory. The President, Secretary and Treasurer of the district school board shall act as judges of the election, and should any one of them be absent at the opening of the polls, the electors present shall appoint a legal voter to fill the vacancy.

SEC. 43. Immediately after the closing of the polls the judges shall proceed to count the votes, and the person or persons, authorized to be elected, who shall receive the largest number of votes, shall be declared elected. If for any cause, there is no election at the regular time, a special election shall be called by the Board, within ten (10) days, and notice thereof given as required in section forty-one of this act. A failure to give the prescribed notice of such special election shall render the election void.

SEC. 44. The directors elect shall each, within ten (10)

days after his election, appear before some officer, authorized to administer oaths, and take oath that he will faithfully perform the duties of his office, as required by law, which oath shall be filed with the County Superintendent, and, in case of failure so to qualify, his office shall be deemed vacant, and the County Superintendent shall appoint another and suitable person, who shall qualify immediately. The treasurer of each board shall give a bond in double the amount of money that shall be liable to come into his hands, said bond to be approved by and filed with the County Superintendent. The directors elect shall take office immediately after qualifying as aforesaid.

SEC. 45, Any school board shall have power to make such by-laws for their own government, and for the government of the public schools under their charge, as they may deem expedient, not inconsistent with the provisions of this act or the instructions of the Superintendent of Public Instruction. District boards of the first class shall also have power to fill any vacancy which may occur in the board until the regular election, at which time the vacancy shall be filled for the unexpired term.

SEC. 46. The regular meeting of each board shall be held on the last Saturday of March, June, September and December. The board may, however, hold such other regular, special, or adjourned meetings, as they may from time to time determine, or as may be specified in their by laws.

SEC. 47 Every school board, unless otherwise especially provided by law, shall have power and it shall be their duty—

First—To employ or discharge teachers, mechanics, and laborers, and to fix, allow, and order paid, their salaries and compensation and the compensation of the secretary and treasurer of the board, and to determine the rate of tuition for non-resident pupils.

Second—To enforce the rules and general regulations of the Territorial Superintendent; to fix the course of study, the exercises, and the kind of text books to be used, and

which are not otherwise fixed, in pursuance of Territorial law. *Provided*, That but one kind of text book of the same grade or branch of study shall be used in the same department of a school, and that, after the adoption of any book, it shall not be changed in less than four years, unless the price thereof shall be unwarrantably advanced, or the mechanical quality lowered, or the supply stopped.

Third—To provide for school furniture and for everything needed in the school house or for the use of the school board.

Fourth—To rent, repair, and insure school houses.

Fifth—To build or remove school houses, and to purchase or sell school lots, when directed by a vote of the district so to do.

Sixth—To hold in trust for their district all real and personal property, for the benefit of the school thereof.

Seventh—To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school children under six years of age

Eighth—To determine the number of teachers that shall be employed, and the length of time over and above six (6) months that the schools shall be kept, to fix the time for the opening or closing of school, and for the dismissal of primary pupils before the regular time for closing school.

Ninth—To provide books for indigent children, on the written statement of the teacher that the parents of such children are not able to purchase them.

Tenth—To require all pupils to be furnished with the proper and suitable books as a condition of membership in school

Eleventh—To exclude from school and school libraries all books, tracts, papers, or catechisms, of a sectarian or partisan nature.

Twelfth—To require teachers to conform to the law.

Thirteenth—To make an annual report, as required by law, to the County Superintendent, on or before the tenth day of September, in each year, in the manner and form

and on the blanks prescribed and furnished by the Superintendent of Public Instruction

Fourteenth—To make a report directly to the Territorial Superintendent whenever instructed by him so to do.

SEC. 48. The school board of any district shall have the power to establish a separate high school whenever they shall deem it expedient or necessary, and shall have power to determine the qualifications for admission to such school, and shall exercise all the powers with reference to such high school which are accorded to them in relation to the schools of lower grade

SEC. 49. The president, when present, shall preside at all meetings of the board and of the district, sign all warrants for the collection of taxes levied for building, repairing, furnishing, or other purposes; all orders on the district or County Treasurer for the payment of money; and shall appear in behalf of his district in all suits brought by, or against, the same, but when he is individually a party, this duty shall be performed by the Secretary.

SEC. 50. The Secretary shall record all proceedings of the board and of the district meetings, in separate books kept for that purpose; shall preserve copies of all reports made to the County Superintendent, shall file all papers transmitted to him by other school officers pertaining to the business of the district; and shall countersign all drafts, warrants or orders drawn by the President; and shall keep a register of all orders drawn on the County or District Treasurer, showing the number of the order, date, name of the person in whose favor drawn, for what purpose, and the amount, and shall, from time to time, furnish the District Treasurer with a transcript of the same. Immediately after the election of the Board of Directors as provided by this act, he shall transmit to the County Superintendent a statement, giving the name and post office address of the President, Secretary and Treasurer, respectively, of the Board of Directors as aforesaid. He shall, between the first (1st) and fifteenth (15th) days of August of each year, take and

keep and record a list, alphabetically arranged, of the names of all persons in the district between the ages of six (6) and twenty-one (21) years, and shall deliver a copy of the same to the principal teacher of each school in the district. He shall, also, at the same time of taking such census, take specifically and separately a census of all children under six (6) years of age, and specify the number of each age. The census list shall be sworn to as correct, by the person taking the same, and a copy thereof filed with the County Superintendent. If the same person is found to be listed in more than one district, he or she shall be counted as belonging to the district where he or she shall or may attend school.

SEC 51. All children who may be temporarily absent from home, or attending boarding schools or private seminaries, shall be included in the census list so taken, and shall not be taken by the Secretary of the district where they may be attending such private institution.

SEC. 52 The Secretary shall keep an accurate account of the expenses incurred by the district, and shall present the same to the board whenever called upon. He shall give the required notice of all regular and special meetings, as herein authorized. On or before the tenth day of September, of each year, he shall make out and file in the office of the County Superintendent a report of the affairs of the district, containing—

First—The number of persons, male and female, each, in his district, between the ages of six (6) and twenty-one (21) years, and also the number of each age under six (6) years.

Second—The number of schools and the branches taught in each.

Third—The number of pupils in each school.

Fourth—The number of teachers employed in each school, and the compensation of each per month.

Fifth—The number of days the school was taught during the year then past, and by whom.

Sixth—The number of pupils enrolled during the year, the average daily attendance and the aggregate attendance in days.

Seventh—The average cost of tuition per month for each pupil.

Eighth—Text books used in each school.

Ninth—The number of volumes in the library of each school.

Tenth—The aggregate amount paid teachers during the year, and the average monthly pay of teachers

Eleventh—The number of public school houses, and the estimated value of each.

Twelfth—The amount raised in the district by tax, for the erection of school houses.

Thirteenth—The amount raised by subscription, or by other means than by tax.

Fourteenth—The amount of special tax levied for the support of schools

Fifteenth—The amount of money on hand at the beginning of the year then past.

Sixteenth—The amount of money received from all other sources than those herein specified.

Should the Secretary fail to file his report as above directed, he shall forfeit the sum of one hundred (100) dollars, and shall make good all loss resulting to the district from such failure.

SEC 53. The Secretary shall collect all moneys levied and raised in the district for building, repairing, and furnishing school houses and for other such purposes, and shall pay over the same to the Treasurer, who shall pay out the same upon the order of the President, countersigned by the Secretary, and shall keep an account of the receipts and expenditures thereof, in a separate book provided for the purpose. He shall render a statement of the condition of the finances, as shown by the books, at any time when required by the School Board, and his books shall always be open for inspection.

SEC. 54. No Superintendent, Secretary, Treasurer, or other school officer, shall receive any compensation, who has neglected or refused to perform any duty required by law; and it shall be deemed a violation of law for any person to draw or sign a warrant for the payment of such delinquent officer, and any person, so signing a warrant, shall be liable in double the amount of such warrant.

TEACHERS.

SECTION 55. No district board shall employ any person to teach in any of the public schools of the Territory, unless such person shall have a license to teach, issued from the proper county or Territorial authority, and in full force at the date of employment; and any teacher who shall commence teaching in any such school without such license, shall forfeit all claim to compensation out of the school fund for the time so teaching without such license; and if a teacher's license shall expire by its own limitation within a term of employment, such expiration shall not have the effect to stop the school, or stop the teacher's pay; *provided*, that a teacher whose certificate so expires, shall, at the first regular examination, or before, secure a renewal thereof, or a new certificate. No teacher shall be dismissed without due notice, and upon good cause shown; and such teacher shall be entitled to receive pay for services rendered.

SEC. 56. The principal teacher of every public school in this Territory shall, at the expiration of each term of service, furnish a complete report to the School Board of his district, verified by affidavits, showing the length of the school term, in days actually taught, including national holidays that occur during the weekly sessions; the number of teachers employed, male and female; the number of pupils enrolled during the term, distinguishing between males and females; the average daily attendance; branches pursued, and text books used. Besides such terms, records and reports, the principal teacher shall keep a registry, in a suitable book, which shall be furnished by the board,

which shall show, alphabetically arranged, males and females separately, the name, age, parent or guardian, date of enrollment, number of days' attendance during each term, and total number of days' attendance of each pupil, during each school year, beginning September first (1st) —

The affidavit above mentioned may be taken by the president of the school board; and, until such reports shall have been filed, and such yearly registry made, the president shall not draw his warrant for the last month's salary of the teacher. It shall be the duty of each successive teacher to keep the said annual registry, as above specified, for the time that such teacher has charge of the school, and the teacher who shall be teaching at the close of the last term of each school year shall, in the annual report, include all statistics from the school register for the entire school year, notwithstanding any previous report for a part of the year.

SPECIAL DISTRICT MEETINGS

SEC. 57. In any district of the second class, the board of directors may, at any time, call a special meeting of the district for the purpose of levying a tax, the proceeds to be used for building or improving any school house or school site, or for any other purpose relating to the public schools for which no provision is made by law, and it shall be their duty to call such a meeting if petitioned so to do by ten (10) legal voters of the district. Notices of such meeting, and of the purposes for which such meeting is called, shall be given as required in section twenty-four (24) of this act, relating to the organization of new districts.

SEC 58. The qualified electors of districts of the second class, when assembled, shall have power. First—To appoint a chairman and secretary, in the absence of the regular officers. Second—To adjourn from time to time, as occasion may require. Third—To fix the site for each school house, taking into consideration in doing so the wants and necessities of the people of each portion of the district. To lay such tax on taxable property of the district as the meeting shall deem sufficient for any of the following pur-

poses: To pay teachers; to purchase or lease a suitable site for a school house or school houses; to build, rent, or purchase a school house or school houses, and to keep in repair and furnish the same with the necessary fuel and appendages; for procuring libraries for the schools, books and stationery for the use of the board and district meetings, and to defray all other contingent expenses of the district, to direct the sale or other disposition to be made of any school house or the site thereof, and of such other property, real or personal, as may belong to the district, and to direct the manner in which the proceeds arising therefrom shall be applied, to delegate any or all of the powers contained in the foregoing specifications to the district board, and to transact generally such business as may tend to promote the cause of education in accordance with the provisions of this act.

SEC. 59 They may adopt such rules of order, not incompatible with the provisions of this act and instructions of the Superintendent of Public Instruction, for the government of district meetings, and may alter and change the same from time to time, as occasion may require; and may prescribe the manner of taking the sense of the meeting upon any question. *Provided*, That the last specification shall not apply to the selection of officers.

SCHOOL FUND—COUNTY SCHOOL TAX.

SECTION 60. The County Commissioners shall, at the time of levying the tax for county purposes, cause to be levied a tax, for the support of schools within the county, of not less than two (2) mills on the dollar, and not more than ten (10) mills on the dollar, of the assessed value of all the taxable property, real and personal, within the county, which tax shall be collected by the County Collector and paid into the county treasury at the same time and in the same manner as Territorial and county taxes are collected and paid, except that it shall be receivable only in cash.

SEC. 61. No Clerk or Board of Commissioners, or other

person who shall make out the tax list or assessment roll of any county, shall omit or neglect to levy said tax of two (2) mills as aforesaid, by reason of the omission of the Board of County Commissioners to pass a resolution for that purpose. Failure to levy a tax of at least two (2) mills, as above specified, shall be deemed a violation of the law; and the person or persons through whose neglect or refusal the failure so to levy shall occur shall forfeit the sum of one hundred (100) dollars each, and be liable for all damages resulting from such neglect or failure.

SEC. 62. The County Treasurer shall, on or before the first day of January, April, July, and October, of each year, certify the amount of said tax which shall have been collected to the County Superintendent, and shall render him a statement of the amount uncollected. The amount unpaid shall be collected at any subsequent time, as delinquent taxes are collected, and shall be certified to the County Superintendent as aforesaid. The collector shall be allowed to retain one per cent, and no more, for collecting said tax; and, should the collector fail at any time to pay over the tax as herein provided, he shall forfeit the sum of one hundred (100) dollars and double damages, to be collected on his official bond, suit to be brought by the County Superintendent in the name of his county.

SPECIAL SCHOOL TAX.

SECTION 63. On or before the day designated by law for the Commissioners of each county to levy the requisite taxes for the then ensuing year, the school board in each district of the first class, and the school boards of the districts of the second class, that may have voted to levy a special tax, shall determine what number of months the schools of their districts shall be continued over and above the six (6) months as provided by section seventy-four (74) of this act, and what amount of money will be required to so continue such schools over and above the quota of the general school fund to which their district will probably be entitled, and shall report the amount so required to the Commis-

sioners, who shall cause the same to be levied at the same time that other taxes are levied; and the amount of such special tax which shall be assessed to each tax payer of such district shall be placed in a separate column of the tax book, which shall be headed Special school tax. There shall also be a column in said tax book in which shall be designated the number of the school district in which the property is listed. This tax shall be collected and paid into the county treasury and placed to the credit of the proper district at the same time and in the same manner that the county school tax is collected, and shall be receivable only in cash. It is hereby made the duty of the County Assessor and County Treasurer to so arrange their tax schedules and books as to conform to the above provisions. *Provided,* That the County Assessor shall list all property, both real and personal, in the school district in which the same may be at the time any school tax may be levied.

SEC. 64. Whenever such special tax has been collected and paid, it shall be placed to the credit of the proper district, together with the quota of the county school tax apportioned by the County Superintendent to such district, as provided in section sixty-five (65) of this act.

SEC. 65. It shall be the duty of the County Treasurer to open and keep separate accounts with each school district in his county, and hold the funds of each district subject to the legal drafts of the President, as provided by section forty-nine (49) of this act.

PENAL FUND.

SECTION 66. All fines, penalties and forfeitures, provided by this act, may be recovered by action of debt in the name of the people of the Territory of Colorado, for the use of the proper school district, or county, and shall, when they accrue, belong to the respective districts, or counties, in which the same may have been incurred; and the County Treasurers, for their counties, are hereby authorized to receive and cause to be placed to the proper credit such forfeitures.

The clear proceeds of all fines collected within the several counties of this Territory for breach of the penal laws, and all funds arising from the sale of lost goods and estrays shall be paid over in cash by the person collecting the same, within twenty (20) days after the collection, to the County Treasurer of the county in which the same have accrued; and shall be by him credited to the General County School Fund. He shall indicate in such entry the source from which such money was derived. Any officer, or person, collecting or receiving any such fines, forfeitures or other moneys, and refusing and failing to pay over the same as required by law, shall forfeit double the amount so withheld, and interest thereon at the rate of five (5) per cent per month, during the time of so withholding the same

SPECIAL BUILDING TAX

SECTION 67. Whenever a meeting is called and held as provided in section fifty-seven (57) of this act, and it is voted to raise a tax for building or other purposes, it shall be the duty of the Secretary of the Board of Directors to obtain from the county assessment roll a list of the holders of the property lying and being within such district, and the assessed value of the property so held by each, as appears in said assessment roll, and all property, the assessed value of which he cannot ascertain from the assessment roll, and which shall be in the district at the time of levying the said special tax, shall be assessed by said Secretary. Upon said assessment he shall levy and collect the tax so voted. Said fund shall be kept and used for the purposes for which it was voted, and not otherwise, unless by a vote of the district. He shall pay over said money to the District Treasurer, who shall hold it subject to the draft of the President in the manner provided in sections forty-nine (49) and fifty (50) of this act. The District Collector is hereby empowered to use the same means and authority in the collection of such special tax as the County Collector possesses for collecting the county tax, *provided*, that the Board of Directors of the district, or a majority

of them, shall constitute an equalizing board, to hear and determine the complaint of any person feeling aggrieved by any assessment. They shall have power to supply omissions in the assessment roll, and may increase, diminish or otherwise alter or amend any assessment at any time, before or during the time they shall sit, as hereinafter provided; *and, provided further*, that at least twenty days before proceeding to collect said taxes, the Secretary shall cause to be posted, in three or more public places, copies of the assessment roll, together with a notice of the time and place at which the equalizing board will sit, which time shall be within ten days from the time of posting the notice; *provided, also*, that it shall not be lawful, after the posting of the assessment list of property, whereon such tax has been levied, [to] reconsider the question of the levy of such tax. Before proceeding to collect the said tax, the Secretary shall give a good and sufficient bond, to be approved by the president and treasurer of the board, and shall be allowed two per cent. for collecting.

SEC. 68. It shall be deemed illegal for any person or persons to appropriate or cause to be used any portion of the county, special school, or penal fund, for the purpose of building, furnishing, or erecting additions to any school house, or for the purchase or improvement of any school house site or lot.

APPORTIONMENT OF SCHOOL FUND.

SECTION 69. On or before the first Monday of October next, after having received the school census lists from the secretaries of the several districts, as provided in section fifty-two (52) of this act, and annually thereafter, the County Superintendent of each county shall estimate what per cent. of the general school fund which may be distributed during the then current year among the districts of his county shall belong to each district. The general fund shall be divided into two (2) equal parts, each of which parts he shall apportion as specified in the following section.

SEC. 70. *First*—The Superintendent shall apportion one
(20)

part of said moneys among the districts according to the number of persons residing in each district between six (6) and twenty-one (21) years of age, according to the census returns of the district secretaries, as provided in sections fifty (50) and fifty-one (51) of this act.

Second—He shall apportion ~~the~~ second part of said moneys among the districts according to the aggregate attendance at school for the whole time that the school of each district was in session during the year then last past, as certified in the annual report of each district for such year. He shall, after such per centage is ascertained, proceed as directed in section fifteen (15) of this act.

SEC. 71. Whenever any school district shall have forfeited or been deprived of its legal right to the whole or any part of an apportionment, if it can be shown to the satisfaction of the Territorial Superintendent of Public Instruction that such forfeiture or deprivation was caused by accident, mistake, or extraordinary occurrence, he may, upon the application of such district, direct and authorize the County Superintendent to make an equitable allowance to such district.

SEC. 72. After the first day of September, A. D, 1877, no district shall be entitled to receive, nor shall it receive, any portion of the general school fund, unless there was maintained in such district, during the school year next preceding the time of apportionment, a school, under the charge of a licensed teacher, or a succession of licensed teachers, for and during one hundred and twenty (120) school days. All legal and national holidays, and all days, not exceeding fifteen, that the school may have been suspended by reason of the attendance of teachers upon teachers' institutes, shall be included in the one hundred and twenty (120) days aforesaid; *provided*, that such holidays and such institutes occurred during the regular term of the school; *provided*, that the provisions of this section shall not apply to a district formed from unorganized territory until after the lapse of one year from the date of its organization.

SCHOOLS.

SECTION 73. A public school is hereby defined to be a school that derives its support entirely or in part from moneys raised by a general Territorial, County, or District tax.

SEC. 74. Every public school, except the High School, shall be open for the admission of all children between the ages of six and twenty-one years residing in that school district during at least six school months in each year; and the school board shall have power to admit adults and children not residing in the district, if they see fit so to do, and to fix the terms of such admission

SEC. 75. The public schools of this Territory shall be taught in the English language, and the boards shall provide to have taught in them the branches specified in section ten (10) of this act, and such other branches of learning and other languages as they may deem expedient; and whenever the parents or guardians of twenty or more pupils in attendance at any school shall demand it, it shall be the duty of the board to procure efficient instructors and introduce the German and Spanish languages, or either, as a branch of study in such school; *provided*, That such demand is made before the teacher or teachers are employed for the ensuing term

SEC. 76. The school year shall begin on the first day of September and end on the thirty-first day of August. A school month shall be twenty days; a school week five days; and a school day shall not exceed six hours, excluding the time of intermission at noon.

SEC. 77. A school census is hereby defined to be a census embracing all persons between the ages of six and twenty-one years. School age is hereby defined to be any age over six and under twenty-one years.

SEC. 78. All public school property shall be exempt from taxation and shall not be taken in any manner for any debt due from the district.

MISCELLANEOUS—[TEACHERS' INSTITUTES.]

SECTION 79. The Territorial Superintendent may call a convention of teachers, county superintendents and school officers three (3) times during each biennial term, one in each judicial district, to be held in vacation if practicable, and the Territorial Auditor shall draw his warrants on the Territorial Treasurer for the contingent expenses thereof and the expenses of employing teachers and lecturers, not exceeding four hundred and fifty dollars in any one biennial term. The warrant shall be drawn at each term for an amount not exceeding one-third ($\frac{1}{3}$) of the four hundred and fifty dollars mentioned herein.

Whenever any such institute is in session, the boards of directors of such schools as may be in session at the time may close the schools during its session, if they deem it advisable, and permit the teachers thereof to attend such institute; and may make such provision relative to the continuance of the teachers' pay for said time as they may deem proper.

SEC. 80. The act entitled "An Act to provide for Common Schools," approved February 11, 1870, and all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 81. This act shall take effect and be in force from and after its passage, excepting as follows: All taxes for school purposes that have, before the passage of this act, been assessed, levied, or collected, shall be collected and used as provided in the laws hereby repealed. And all school funds now in the hands of County Treasurers and school officers, or which shall come into their hands prior to the first day of September, A. D. 1876, shall be apportioned and used as provided in the laws hereby repealed; and all of the county school fund remaining in the hands of any school officer on the first day of September, A. D. 1876, shall be paid over to the County Treasurer, and shall by him be placed to the credit of the fund to which they shall belong; and all delinquent taxes collected on and after said first day of September, A. D. 1876, shall be disposed

of as provided in this act, it being the intention of this act to provide that the new method of apportionment shall not be in force until the first day of September, A. D. 1876.

Approved February 11, 1876.

AN ACT

To amend an "Act Concerning School Bonds," approved January Twenty-ninth (29), 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section eight (8) of said act is hereby amended by striking out the word "*Fremont*" in said section, so as to make the provisions of said act applicable to the said county of Fremont.

Approved January 24, 1876.

AN ACT

To amend an Act Entitled "An Act for the Support and better Regulation of the Public Schools of the City of Denver," approved February 13, 1874.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That there shall be added after the word "Superintendent," in the last line of section one of said act the following: "Shall constitute a school district, to be known and designated as School District No. 1, Arapahoe County, Colorado."

SEC. 2. That section 2 of said act be and hereby is repealed and the following inserted in lieu thereof: "On the first Monday in May, 1876, there shall be elected three directors of the public schools of said District No. 1, who shall be residents of said district at the time of said election, one of whom shall serve for three years, and two of whom shall

serve for two years, and until their successor shall be elected and qualified; and at the annual election on the first Monday in May, 1877, there shall be elected three directors, two of whom shall serve for three years, and one of whom shall serve for two years; and annually thereafter, on the first Monday in May, there shall be elected two directors, who shall serve for three years, and until their successors shall be elected and qualified. Should any vacancy occur in said board by reason of death, resignation, or otherwise, the Board of Education of said district shall fill such vacancy until the next ensuing election.

SEC. 3. That section four of said act be and hereby is repealed, and the following inserted in lieu thereof: "At the first and second annual elections under the provisions of this act, each elector shall state upon his ballot the names of the persons who shall serve for the term of two years, and the names of the persons who shall serve for three years.

SEC. 4. That section 5 of said act be amended by striking out the words, "from their number," in the third line of said section, and by inserting immediately after the word "President," in the third line of said section the words, "who shall be one of their number;" and by inserting immediately after the word "Secretary," in the fourth line of said section, the words, "who may be one of their number," and by inserting after the word "Treasurer," in the fourth line of said section, the words, "who shall not be one of their number," and by striking out the word "who," in the fourth line of said section, and inserting the words "all of whom."

SEC. 5. That section eight (8) of said act be amended by striking out all after the word "office," in the eleventh line of said section, and inserting in lieu thereof the words, "in such sum and with such sureties as the board may approve"

SEC. 6. That the following be and hereby is added to said act, to be known and designated as section eighteen (18).

"On or before the day designated by law for the County Commissioners to levy the requisite taxes for the then ensuing year, the Board of Education shall determine what amount of money over and above the quota of the general school fund to which their district will probably be entitled, will be required for the maintenance of the schools, and shall report the sum so required to the Board of County Commissioners, who shall levy a tax sufficient to meet such sum at the same time that other taxes are levied; said tax shall be levied and collected as other taxes are levied and collected upon all the taxable property in School District No 1. *Provided, however,* That such tax shall not exceed in any one year the rate of three mills on the dollar of the taxable property of said district, according to its assessed value. Said money when collected shall be paid over to the Treasurer of the Board of Education, and shall be expended for the current expenses of the school and for no other purpose, and shall be paid out in the manner prescribed by section eight of said act

Approved February 2, 1876.

AN ACT

To provide for the several expenses of the Territorial School of Mines for the years 1876 and 1877.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That for the purpose of providing for the several expenses of the Territorial School of Mines, established near Golden, Jefferson County, Colorado Territory, for the years 1876 and 1877, the sum of three thousand, five hundred (\$3,500) dollars is hereby appropriated out of any funds in the Territorial treasury not otherwise appropriated; *Provided,* That tuition in said School of Mines shall be free to all *bona fide* residents of Colorado

SEC. 2. The amount appropriated by section one of this

act shall be disbursed by the Board of Trustees of the Territorial School of Mines, as provided for in an act entitled "An Act to establish a School of Mines at or near Golden, Jefferson County, Colorado, approved February 9, 1874;" *Provided*, That the professor in charge of said School of Mines shall perform the duties of a Territorial assayer, as specified in section three of an act to amend an act entitled "An Act to establish Assay Offices in Colorado Territory," approved February 10, 1874, and in sections 6, 7, and 8, of an act to establish assay offices in Colorado Territory, approved February 8, 1872, but shall not be entitled to receive for making assays or furnishing abstracts of the same any sum of money other than that specified by the Board of Trustees of said School of Mines, and such sum or sums of money so received shall form part of the receipts of said School of Mines, to be accounted for as such.

Approved February 11, 1876.

AN ACT

To amend Section one of Article two (2) of an Act entitled An Act Amendatory of an Act entitled an Act to amend an Act entitled an Act to enable Road, Ditch, and other Manufacturing Companies to become Bodies Corporate, approved January 10th, 1868.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section one of article two (2) of an act entitled an Act Amendatory of an Act entitled an Act to amend an Act entitled an Act to enable Road, Ditch, and other Manufacturing Companies to become Bodies Corporate, approved January 10th, 1868, be and the same is hereby amended by adding after the twelfth (12th) subdivision the following, to-wit. Thirteenth—To establish and maintain Stock Boards or Exchanges, or other corporations or companies for the purpose of publicly dealing in stocks and other securities.

Approved February 1, 1876.

AN ACT

To amend an Act entitled An Act regulating the Branding, Herding, and Care of Stock, approved February 9, A. D. 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That sections two (2) and three (3) of an act entitled An Act regulating the Branding, Herding, and Care of Stock, approved February 9, 1872, shall not be so construed as to apply to sheep.

Approved February 9, 1876.

AN ACT

To amend an Act approved February 13th, 1874, entitled An Act to amend an Act entitled An Act regulating the Branding, Herding, and Care of Stock, approved February 9th, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory:

That section one of the act to which this is amendatory is hereby amended by adding to the end of said section the following, viz: And in no case shall the payment of the forfeiture herein mentioned entitle the person so branding or effacing, defacing or obliterating a brand to the property in the animal branded, but it shall be surrendered to the proper owner.

Approved February 9, 1876

AN ACT

To amend an Act entitled "An Act to amend an Act entitled an Act to Regulate the Branding, Herding, and care of Stock, approved February 9th, A. D. 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. In all suits at law, or in equity, or in any criminal proceedings, where the title to any stock is involved, the brand on an animal shall be *prima facie* evidence of the ownership of the person whose brand it may be, *Provided*, such brand has been duly recorded as provided by law. Proof of the right of any person to use such brand shall be made by a copy of the record of the same, certified by the County Clerk of that county, or any county in which the same is recorded, under the hand and seal of office of such Clerk.

Approved February 1, 1876.

AN ACT

To relieve Counties of the burden of Unavailable Taxes.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The Boards of County Commissioners of the several counties in this Territory are hereby directed, at their next regular meeting after March 1st, 1876, to call to their assistance the County Clerk and County Treasurer of the county, and proceed to ascertain the amount of delinquent taxes due the Territory for Territorial purposes standing charged upon the books of the county prior to January 1st, 1875, which are considered available and which there is a reasonable probability of collecting. Immediately after ascertaining the amount of such available taxes, the County Clerk of the county shall render to the Territorial Auditor a detailed statement, showing the amount of Ter-

territorial tax due and chargeable to said county considered available, as aforesaid, for each and every year in which said taxes were delinquent prior to January 1st, 1875, which statement shall be signed by the County Commissioners, or a majority of them, also by the County Clerk and County Treasurer, and authenticated by the seal of the county. The intent and meaning of this act being to relieve counties of the burden of unavailable taxes charged against them on the books of the Territorial Auditor, and to enable the Auditor to ascertain definitely the amount of revenue due and unavailable in each county

SEC. 2. Upon the receipt of the statement required by section one of this act, the Territorial Auditor is hereby authorized and directed to deduct the amount reported in said statement as available from the amount of delinquent taxes charged on his books January 1st, 1875, against said county, and to credit said county with the amount of such delinquency thus ascertained to be unavailable, which amount, together with all taxes now appearing on his books as unavailable, he shall charge to the general revenue fund.

SEC. 3 Hereafter, all taxes charged against counties on the books of the Territorial Auditor remaining delinquent and uncollected for the period of six years from the date of the levy thereof, shall be considered unavailable, and the Territorial Auditor is hereby authorized to credit counties with the amount so found to be delinquent and unavailable.

Approved February 9, 1876.

AN ACT

To provide for the Levy and Assessment of Territorial
Taxes for the fiscal years 1876, 1877.

*Be it enacted by the Council and House of Representatives of
Colorado Territory:*

SECTION 1. That for the year A. D. 1876 there shall be lev-

ied and assessed upon all taxable property, real and personal, in the Territory, a tax for Territorial purposes of one and one-half ($1\frac{1}{2}$) mills on the dollar, and for the year A. D. 1877, a tax of one and one-half ($1\frac{1}{2}$) mills on the dollar.

Approved February 11, 1876.

AN ACT

To enable County Commissioners to correct False Returns and Statements of Property for Taxation.

Be it enacted by the Council and House of Representatives of Colorado Territory

SECTION 1. When the County Commissioners of any county have reason to believe that any person has given or has caused to be given to the Assessor, a false or incorrect statement of his, her or their taxable property, or has refused or neglected to make the statement required by law, said County Commissioners may, and are hereby empowered to issue compulsory process, and require the attendance of any person or persons whom they may suppose to have a knowledge of the value or amount of such taxable property, and examine such person or persons, on oath, in relation to such property.

SEC. 2. In all cases in which any person or persons shall make or cause to be made a false or incorrect statement of the amount or value of their taxable property, or neglect or refuse to make a statement, for the purpose of evading the payment of taxes in whole or in part, such person or persons shall be liable for and pay all costs and expenses that may be incurred under the provisions of this act. The same fees and costs shall be allowed and paid, as is now or may be allowed by law for similar services, and if not paid, may be collected before any Justice of the Peace of the proper county, by suit in the name of the Board of County Commissioners. But in all cases under this act, when the statement shall be found correct, and no intention to evade

the payment of taxes shown, the costs and expenses under this act, shall be paid out of the County Treasury of the proper county, on the order of the County Commissioners.

Approved February 11, 1876.

AN ACT

To amend "An Act regulating and fixing the Salaries of Territorial Officers, Private Secretary of the Governor, and fixing contingent expenses of said offices," approved February 9, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The annual salary of the Adjutant General of the Territory shall be two hundred (\$200) dollars, in lieu of all other compensation.

The Territorial Auditor shall receive an annual salary of sixteen hundred (\$1,600) dollars, and shall receive fifty cents for the registry and certificate of each bond by him so registered.

The Territorial Superintendent of Public Instruction shall receive an annual salary of fifteen hundred (\$1,500) dollars, and, for contingent expenses of his said office, the further sum of five hundred (\$500) dollars.

The Territorial Treasurer shall receive an annual salary of eight hundred (\$800) dollars.

The Territorial Librarian shall receive an annual salary of five hundred (\$500) dollars, in lieu of all other compensation.

SEC. 2. The Governor of the Territory is hereby authorized to employ a Private Secretary, at an annual salary of twelve hundred (\$1,200) dollars.

SEC. 3. There is hereby authorized and allowed for the contingent expenses of the Governor's office the sum of five hundred (\$500) dollars annually.

SEC. 4. There is hereby allowed to each of the District Judges of the Territory an annual salary of two thousand (\$2,000) dollars.

SEC. 5. There is hereby allowed to the Clerk of the Supreme Court the sum of one thousand (\$1,000) dollars annually for rent of Supreme Court chambers, fuel, lights, stationery, books, etc.

SEC. 6. The District Attorneys for each Judicial District in the Territory of Colorado shall receive an annual salary of eight hundred (\$800) dollars each

SEC. 7. The Treasurer of the Board of Managers of Penitentiary shall receive an annual salary of nine hundred (\$900) dollars. The President and Secretary of said Board of Managers shall receive an annual salary of six hundred (\$600) dollars each.

SEC. 8. The Treasurer of the Board of Trustees of the Deaf Mute Institute shall receive an annual salary of six hundred (\$600) dollars; the Principal of said Institute, an annual salary of fifteen hundred (\$1,500) dollars, and the Steward and Matron, an annual salary of three hundred (\$300) dollars each.

SEC. 9. The Warden of the Penitentiary shall receive an annual salary of twenty-five hundred (\$2,500) dollars.

SEC. 10. All salaries shall become due and payable quarterly to the person entitled thereto, on application to the Territorial Auditor, on his warrant alone.

SEC. 11. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved February 11, 1876.

AN ACT

Providing for the Election of Territorial Officers.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That at the general election in 1877, and at the general elections of each biennial year thereafter, there shall be elected in such years the following Territorial officers, that is to say: One (1) Treasurer and one (1) Auditor.

Approved February 10, 1876.

AN ACT

To amend an Act entitled "An Act to amend Chapter Nine (9) of the Revised Statutes of Colorado Territory, and for other purposes," approved February 9, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory

SECTION 1. That section one (1) of the act to which this is amendatory, be amended by striking out all of said section after the word "following," in the sixth line thereof, and inserting instead thereof the following, viz: The Governor of this Territory shall have power at any time to examine the accounts of the Territorial Treasurer, and ascertain the condition of the public moneys in his hands, and if he shall find from such examination that the Treasurer has used, for any purpose contrary to law, any of such moneys whatever, it shall be the duty of the Governor to remove him from office immediately, and to appoint another person in his place, taking from such new appointee such a bond as may be required to be given by a Territorial Treasurer, and upon such removal and appointment it shall be the duty of the former Treasurer to turn over, without delay, to his successor in office all the books, papers, and every species of property pertaining to

the office of Treasurer, as well as to pay over at the same time, to his successor in office, all moneys due from him as Treasurer of this Territory, and if he shall fail to pay over to his successor in office such moneys as aforesaid, within five days after such removal and appointment, the Governor shall forthwith cause suit to be brought upon the bond or bonds of the Treasurer thus removed, and shall cause said defaulting Treasurer to be prosecuted under section sixty-two (62) of chapter twenty-two (22) of the Revised Statutes entitled "Criminal Code." And if at any time the Governor shall ascertain that any security on a bond of the Treasurer has died, removed from this Territory, or become, or is likely to become, insolvent, he shall immediately order the Treasurer to give another bond, with ample security thereon, to be approved by the Governor, in writing, following the law existing in regard to a Treasurer's bond in all respects, as near as may be, the penal sum in which shall be the same as required by law at the time of the execution thereof, and the giving of such new bond shall not in any way impair or affect the validity of any bond previously given by such Treasurer, and shall not be deemed to release or impair the liability of the obligors thereon, or any of them; and if the Treasurer shall fail to comply with the order of the Governor, within five days after the same shall be made, it shall be the duty of the Governor to remove him from office immediately after such failure, and to appoint some other person in his place, taking from such new appointee a bond such as is required of the Territorial Treasurer by law, and upon such removal and appointment it shall be the duty of the former Treasurer to turn over, without delay, to his successor in office, all the books, papers, and every species of property pertaining to the office of Treasurer, as well as to pay over to his successor, at the same time, all moneys due from him as Treasurer to the Territory; and if he shall fail to pay over to his successor in office such moneys, within five days after such removal and appointment, the Governor shall forthwith cause suit to be brought upon the bond or bonds of the

Treasurer thus failing, and shall cause him to be prosecuted under section sixty-two (62) of chapter twenty-two (22) of the Revised Statutes, entitled "Criminal Code." Nothing herein shall be so construed as to alter, change, or in any way affect the operation of section sixty-two (62) of chapter twenty-two (22) of the Revised Statutes, entitled "Criminal Code."

Approved February 7, 1876.

AN ACT

To amend an Act entitled "An Act to amend an Act entitled "An Act to reduce the Law incorporating the City of Denver and the several Acts amendatory thereto into one Act, and to amend the same," approved February 3d, 1874.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section three of article one of the act to which this act is amendatory be amended by adding thereto the following clause: Provided that no map or plat of addition to said city shall be recorded or filed with the County Clerk and Recorder until the same has been by the owner of such contemplated addition submitted to the City Council, and approved by it, and no map or plat of any addition shall be adopted or approved unless the proposed streets and alleys therein are in conformity as to courses and angles with the streets of adjoining additions or portions of said city.

SEC. 2. That article three be amended by adding the following section:—

All ordinances and every resolution passed by the City Council which appropriates exceeding three hundred dollars, before either shall take effect, shall, within twenty-four hours after its passage, be presented to the Mayor for his approbation. If he approve it, he shall sign it; if not, he

shall return it with his objections in writing to the City Clerk, who shall present the same at the next meeting of the City Council, who shall enter said objections on their record; and, if the Council be of the opinion the ordinance or resolution ought to pass, may proceed to reconsider the same; and if, after such reconsideration, two-thirds of the Aldermen elect shall agree and pass the same, said ordinance or resolution shall take effect the same as if the Mayor had signed it. If the Mayor shall not return the resolution or ordinance within five days, it shall take effect in the same manner as if he had signed it."

SEC. 3. That section three and the proviso added to section four of article three be and the same are hereby repealed.

SEC. 4. That all after the word "and," in the second line of section one, article five, be stricken out, and that the following words be inserted instead thereof: "During any temporary absence of the Mayor, either from the Council or the City, the Council, when convened, shall appoint one of their number chairman, who shall be Mayor pro tem, and shall preside over the deliberations of the Council, and exercise the same authority, and perform all the duties of the Mayor of Denver, and shall sign all the bills and warrants as Mayor pro tem." In case the office of Mayor shall become vacant, and six months will not intervene between such vacancy and the next election for city officers, then the Council shall elect one of their number Mayor pro tem., who shall act as Mayor to the next city election and until a Mayor is elected and qualified.

SEC. 5. That section four of article five be amended by striking out all after the word "ordinance," in the eighth line of said section.

SEC. 6. That the words "or held by lease" be inserted between the words "owned" and "by," in the thirteenth line of the thirty-ninth subdivision of section three of article six of the act to which this is amendatory.

SEC. 7. That the following clause be added to section

three of article six of said act to which this is amendatory: To enact any ordinance needful for the peace, good order, health, safety, and general welfare of the city of Denver.

SEC. 8. That section twenty-two of article six be amended by adding thereto the words "except spirituous or malt liquors."

SEC. 9. That section twenty-three of article six be amended by inserting between the words "amount" and "shall," in the eighth line thereof, the word "borrowed;" also, by striking out the word "fifty," and insert twenty.

SEC. 10. That section twenty-five of article six be amended to read as follows: Sec. 25. The City Council shall have power to revise and fix the grades of the streets of the city; and, when the grades are fixed and established, the said Council shall not have the power to change the same, except upon the petition of the owners of a majority of the frontage abutting upon the streets affected by the contemplated changes, and by a two-third vote of all the Aldermen elect.

SEC. 11. That section three (3) of article seven (7) of the act to which this act is amendatory be hereby amended by striking out from the twelfth (12) line thereof the words "from the passage of this act."

SEC. 12. That article eight be amended by adding thereto the following section: Sec. 5. That the mode of procedure in condemning land for the right of way to any street, lane, avenue, or alley, shall be pursued in condemning the land or right of way for any ditch or canal which may be leased, owned, or constructed by said city, whether situated without or within the limits of the city.

SEC. 13. That section one of article nine be amended by striking out "one and one-tenth per centum," and insert "ten mill on the dollar;" also, all after the words "Arapahoe County," in the seventh line thereof.

SEC. 14. That section three of article nine be amended so as to read as follows: Sec. 3. It shall be the duty of

said County Clerk and Recorder, as soon as the assessment roll in each year is ready for the extension of taxes, to certify the total amount of property assessed within the city limits to the City Council; whereupon, said City Council shall immediately proceed to make the proper levy in mills upon the dollar valuation, to meet the expenses of the city for each of the following purposes, to-wit: Police department, fire department, water for irrigation and fire purposes, lighting the streets of the city, city officers' salaries, street improvements, bridges, and contingent expenses, limited as above as to the total levy, and cause the total levy to be certified to the said County Clerk and Recorder, who shall extend the same upon the tax list of the current year in a column headed "Denver city taxes," in the same manner as other county and Territorial taxes are extended, carrying said city tax into the general total with said county and Territorial taxes; and shall include said city taxes in his general warrant to the County Treasurer for collection.

SEC. 15. That section five of article nine be amended by adding the following words: "The said funds, or any part thereof, so appropriated shall not be transferable, except by a three-fourths vote of all the Aldermen elect."

SEC. 16. That sections seven, eight, and nine of article nine be and the same are hereby repealed.

SEC. 17. That the following sections be added to article ten: Section 4 The members of the regular police force shall be nominated by the Mayor, and confirmed by the vote of the majority of all the Councilmen elect, and shall hold their positions during good behavior, unless removed by a reduction of the force, or for inefficiency, or misconduct, such removals to be made in such manner as may be provided by ordinance; *Provided*, That the regular policemen in service at the time of the passage of this act shall be held to be the "regular police force," holding their positions under the provisions of this act."

SEC. 18. All acts and parts of acts to which this is amendatory in conflict with this act are by this act repealed.

Approved February 11, 1876.

AN ACT

To amend Section One (1), Article Nine (9), Chapter Eighty four (84), Revised Statutes of Colorado, entitled "Towns and Cities."

Be it enacted by the Council and House of Representatives of Colorado Territory.

SECTION 1. That section one (1), article nine (9), chapter eighty-four (84), Revised Statutes of Colorado, entitled "Towns and Cities," be, and the same is hereby amended by striking out all after the word "Town," in the sixth (6) line of said section, and inserting the following in lieu thereof: *Provided*, That when any bill is allowed to any person by the Auditor, or person having the authority to audit claims, exceeding twenty five dollars, that then the person empowered to draw said warrants, may, in his discretion, draw them in any sum desired by the person in whose favor the said bill was allowed, not to exceed in the aggregate the full sum of said bill so allowed, and all of said warrants shall bear the same date.

Approved January 28, 1876.

AN ACT

Legalizing the acts of County Commissioners in El Paso County, and making the property of Incorporated Towns and Villages therein subject to Road Tax.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the action of the County Commissioners, heretofore, in levying road taxes on the property of the several incorporated towns and villages in the county of El Paso be and the same is legalized and confirmed; and that, from and after the passage of this act, such incorporated towns and villages in said county shall not be included in the exemption from a property road tax, as provided in

section 2, article 6 of chapter eighty-four of the Revised Statutes: and that all county roads passing through such incorporated towns and villages shall be subject to the same conditions and benefits as appertain to county roads generally in said county.

Approved February 2, 1876.

AN ACT

To amend an Act, entitled "An act to provide for the further execution of the trust, relating to the town site of the City of Denver, and to regulate the same" Approved February 8th, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That section nine (9) of an act, entitled "An Act to provide for the further execution of the trust, relating to the town site of the City of Denver, and to regulate the same," approved February 8th, 1872, be and the same is hereby amended, by adding thereto, after the words "Denver Town Company," in section nine, (9), the words "or from the Auraria Town Company, or from the Highland Town Company."

Approved February 10, 1876

AN ACT

To Incorporate the Town of Trinidad.

Be it enacted by the Council and House of Representatives of Colorado Territory

SECTION 1 That the inhabitants of Trinidad, in the county of Las Animas, and Territory of Colorado, be, and are hereby constituted a body politic and corporate, by the name and style of "The Town of Trinidad," and by that name shall have perpetual succession, may sue and be sued,

plead and be impleaded in all courts of law and equity, and may have and use a common seal, and alter the same at pleasure

SEC 2 That hereafter the corporate limits of the town of Trinidad shall comprise all territory lying within a radius of three-fourths of a mile in every direction from the centre of the intersection of Main and Commercial streets in said town.

SEC. 3 The fee simple title of and to all streets and alleys within the corporate limits of said town, shall be vested in said town, which shall hold the same for the use of the public

SEC 4. Whenever any territory shall be laid out and surveyed as an addition to the town of Trinidad, such territory shall, upon filing of the plat or map thereof, in the office of the Recorder of the county of Las Animas, become a part of said town of Trinidad, and be included within the limits and jurisdiction thereof.

SEC 5 The Board of Trustees of said town shall be appointed under and exercise all powers granted by chapter 84, of the Revised Statutes, and said chapter and the amendments thereto, save, and except Section 1, of Article 1, of said chapter, shall constitute the measure, and the limits of the powers and duties of said town of Trinidad.

Approved February 1, 1876.

AN ACT

For the Relief of the Inhabitants of the City of Central.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That, whereas H Jacob Kruse, Mayor of the city of Central, did, on the 27th day of May, A. D. 1874, enter in the United States land office, at said city of Central, the site of said city, for the use and benefit of the inhabitants thereof;—

And, whereas due notice was given as required by section 4 of article 12 of chapter 84 of the Revised Statutes of Colorado Territory, to all claimants of lots and parcels of ground embraced within said entry to file their application therefor with the City Clerk of said city;—

And, whereas such claimants did so file their claims, but, in consequence of the issue of patent being suspended, failed to tender the price of such lots and parcels of ground and to demand deeds for the same, as provided by law;—

Now, therefore, it shall be lawful for the Mayor of said city to give public notice to said claimants, by publication once each week for forty days in some newspaper published in said city, that he is ready to make and execute such deeds; and all claimants who have heretofore filed their claims for such lots and parcels of ground, as provided by law may, within forty days after the first publication of such notice, tender the sum established by the City Council of said city of Central to be paid for said lots; and such tender shall have the same force and effect as if it had been made within the time specified in said chapter of the Revised Statutes

SEC. 2. All lots and lands within said town site so entered, for which deeds shall not be issued to claimants under the foregoing section, may be sold, by and with the consent of the City Council of said city of Central, by the Mayor thereof, provided he shall first give thirty days' notice of the time and place of such sale; and such sales shall be by lots and parcels, to the highest bidder for cash. But no sale shall be made for a less sum than ten dollars for four thousand square feet of ground or for a less amount, and at the same rate for a larger amount; and such sale shall continue from day to day as long as there are bidders

SEC. 3. If any lots or parcels of land shall still remain unsold, it shall be lawful for said Mayor to sell the same, by and with the consent of said City Council of Central City, at private sale; *provided*, none shall be sold for a less sum than the price aforesaid, and none shall be sold which have been set apart and reserved for any public use.

SEC. 4. The moneys received from such sales shall first be used to pay for the expenses of such sale, including any sum which may be due and payable for making the necessary surveys; 2nd, for the redemption of any outstanding school bonds of said city of Central; 3d, any remaining sum shall be paid into the general fund of said city.

Approved February 1, 1876

AN ACT

To amend the Charter of the City of Central.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The office of Assessor of the city of Central is hereby abolished.

SEC. 2. It shall be the duty of the County Assessor of Gilpin County, in making his returns, to designate the property situated within the limits of the city of Central.

SEC. 3. It shall be the duty of the Clerk and Recorder of Gilpin County, as soon as the county assessment roll in each year is ready for the extension of taxes, to make and certify to the City Council of said city a transcript from such roll showing severally the description, owners, and value of all property assessed within the limits of said city, for which he shall receive from said city a reasonable compensation.

SEC. 4. The City Treasurer shall be ex-officio collector of all city taxes on property within said city

SEC. 5. The City Street Commissioner shall be ex-officio Marshal of said city.

SEC. 6. The City Treasurer, Street Commissioner, and Police Judge shall be severally elected as now provided by law, and shall hold their respective offices for the term of one year, unless sooner removed for cause, or unless such offices become vacant, as now provided by law.

SEC. 7. This act shall take effect and be in force on and after Monday, April 3d, A. D. 1876.

Approved February 11, 1876.

AN ACT

For the Relief of the City of Black Hawk.

Be it enacted by the Council and House of Representatives of Colorado Territory.

SECTION 1 That the corporate authorities of the City of Black Hawk be, and the same are hereby, authorized to sell and execute deeds of conveyance thereof, of all lands and unclaimed lots within the corporate limits of said city, to which a title from the Government of the United States has been acquired, with such reservations of mines of gold, cinnabar and copper as described in the Government patent issued to William A Abbe, in trust and to his successor in office, dated March 20, 1874, for the use and benefit of the owners and occupants of said city, by virtue of an act of Congress, of March 2, 1867, entitled "An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands."

SEC. 2 All lots and lands within the said town site, for which deeds shall not have been issued to claimants, may be sold by and with the consent of the City Council of said City of Black Hawk, by the Mayor thereof; *Provided*, he shall first give thirty days' notice of the time and place of such sale, and such sales shall be by lots and parcels, to the highest bidder, for cash. But no sale shall be made for a less sum than ten dollars for four thousand square feet of ground, or for a less amount, and at the same rate for a larger amount, and such sales shall continue, from day to day, as long as there are any bidders. If any lots, or parcels of land, shall still remain unsold, it shall be lawful for said Mayor to sell the same by and with the consent of said City Council of Black Hawk, at private sale; *Provided*,

none shall be sold for a less sum than the price aforesaid, and none shall be sold which have been set apart and reserved for any public use.

SEC 3 That such deeds of conveyance shall be signed by the Mayor, attested by the City Clerk, and witnessed by the common seal of said city, and shall be executed under such terms, restrictions and regulations, and the proceeds from such sales shall be applied as the Common Council of said city may by ordinance or resolution adopt

SEC. 4. Nothing herein contained is intended to impair the title of any lot, or property, to which deeds of conveyance have been heretofore executed by the corporate authorities of said city, or any Mayor thereof, in pursuance of said act of Congress, or of article twelve of chapter eighty-four of the Revised Statutes of Colorado, entitled " Towns and Cities," nor shall anything in this act delay or defeat the granting of title by said city or Mayor thereof, to any party who shall have, before the passage of this act, made application to said city or the Mayor thereof, for title to any lot, or lots, or lands, within said city; *Provided*, such party making claim to any such lot, or lots, or lands, shall have possessory or legal title thereto.

Approved February 9, 1876.

AN ACT

To amend an Act entitled "An Act to Incorporate the City of Black Hawk, approved March 11th, 1864."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That, hereafter, all warrants drawn on the Treasurer of said city of Black Hawk, issued by authority of the City Council of said city, for the payment of the current expenses and debts of said city, and payable from the general fund of said city, if not paid upon presentation to the Treasurer thereof, shall draw interest at the rate of ten

(10) per centum per annum from the time such warrants are presented, and shall be registered by the Treasurer of said city in a book kept by him for that purpose, and the date of such presentation shall be noted on the face of such order or orders by the said Treasurer.

SEC. 2. On the first day of January in each year, all unpaid taxes of the preceding year shall become delinquent, and shall draw interest at the rate of eighteen (18) per centum per annum; but the City Collector shall continue to receive payments of the same, with interest, after they shall have become delinquent, and until the day of sale of property for taxes. and, if the said taxes shall not be paid until after the property of the delinquent has been advertised for sale for the non-payment of taxes, all costs of advertising and all other costs and charges caused by said delinquency shall be paid by said delinquent in addition to the taxes and interest thereon, if payment shall be tendered at any time before the property of the delinquent shall have been sold.

Approved February 11, 1876.

AN ACT

To change the Time of Election in the Town of Montezuma, Summit County, Colorado.

Be it enacted by the Council and House of Representatives of Colorado Territory.

SECTION 1. That it shall be lawful for the citizens of the town of Montezuma, in Summit County, Colorado, to hold elections on the last Saturday in June, each year, instead of the first Monday in April, as provided in chapter eighty-four of the Revised Statutes of Colorado.

Approved February 11, 1876

AN ACT

To provide for the further Execution of the Trust relating to the Town Site of the Town of Idaho Springs, and to Regulate the same.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the President of the Board of Trustees of the town of Idaho Springs, in Clear Creek County, Colorado Territory, shall proceed and make, or cause to be made, as soon as practicable after the passage of this act, a list of all lots, parts of lots, or parcels of land, to which no claim was made by any person, persons, association of persons or corporation, by filing the necessary notice or claim with the corporate authorities, within ninety days after the first publication of the notice, by the corporate authorities of the *entry* of said town site in the United States Land Office, at Central City, for the purpose of securing a patent for said town site. Also including in said list all such lots, parts of lots, and parcels of land for which a notice was filed within said time, but the claimant or claimants have failed, or neglected to pay, or tender the requisite amount of money therefor, and refuse and neglect to take a deed for the same within the specified time. There shall be excepted from said list all those lots, parts of lots, or parcels of land, to which the corporate authorities have given deeds, which list shall be filed with the town clerk.

SEC 2. The President of the Board of Trustees of said town of Idaho Springs, upon the request of the Board of Trustees, by a resolution entered on the book of records, containing the minutes of the proceedings of said Board, shall proceed to advertise and sell such lots, parts of lots, or parcels of land separately, as are named or designated in such resolution, at public vendue, to the highest and best bidder for cash, after first giving thirty days' notice of the time, place, and terms of sale, with a description of the lot, lots, part of lots, or parcels of land to be sold, which

notice shall be published in the Georgetown Miner, or in some other paper published or printed in Georgetown, Clear Creek County, and in such other papers in the Territory as the Board of Trustees may deem proper.

SEC. 3. All moneys arising from any sale of said lot, lots or parcels of land, shall be paid over by the purchaser, or purchasers, to the Treasurer of said town, for the use and benefit of the inhabitants of said town, to be disbursed and paid out in such way or manner as the Board deem proper. The Board of Trustees shall audit and allow a reasonable sum to the President, for making said list of lots, and for advertising and making said sales and the expenses thereof, and pay the same out of any money received as aforesaid. Said lots may be sold at one sale or at different sales, and in case all lots advertised cannot be sold in one day, the sale may continue from day to day until all lots advertised are sold.

SEC. 4. The President of the Board of Trustees shall make, execute, acknowledge, and deliver to the purchaser, or purchasers, of any such lot, lots, or parcels of land, sold by virtue of this act, a deed, granting and conveying to him, her or them, the fee simple title therein.

SEC. 5. When two or more persons have filed [on] one and the same lot, or piece of ground, the party who filed last shall bring suit in some Court of competent jurisdiction, within six months from the passage of this act, to determine his or her right to the same. A neglect or refusal to bring such suit shall be taken as conclusive evidence that he or she has voluntarily abandoned all right, title or interest in and to said lot, and a deed shall be made and delivered to the party first filing, on his or her paying the requisite amount therefor.

SEC. 6. This act to be in force from and after its passage.
Approved February 7, 1876.

AN ACT

To provide a Fund for the Support and Completion of the University of Colorado, and the Management of the same.

Be it enacted by the Council and House of Representatives of Colorado Territory

SECTION 1. That the sum of fifteen thousand dollars be and the same is hereby appropriated to the University of Colorado, located near Boulder, in the county of Boulder, in said Territory, to be used for completing the building and the support of said institution, as the Trustees thereof may deem necessary. *Provided*, That the said sum of fifteen thousand dollars, or so much thereof as shall be necessary, shall be first applied to the following purposes, and in the following order --

First—For heating apparatus

Second—For gas fixtures and pipes.

Third—For water pipes laid from town to University

Fourth—For out-buildings and sewerage.

Fifth—For services of architect and superintendent.

Sixth—For fencing the grounds of the University.

SEC 2. Said fund shall be applied exclusively as aforesaid, and for paying teachers, buying library, and for the improvement of the buildings and grounds belonging to said university

SEC. 3. Whenever there shall be any money in the hands of the Territorial Treasurer to the credit of the University fund, the Auditor of the Territory is hereby authorized to draw his warrant upon the Treasurer of the Territory for the payment of the same in favor of the Treasurer of said Board of Trustees of the University of Colorado, in such sums as said Board of Trustees shall deem necessary to meet the expenses and wants of said institution.

SEC 4 The Board of Trustees of said University shall have no power or authority to create any indebtedness on

said University beyond the means in the treasury to liquidate the same; and they shall not mortgage, encumber, or dispose of any of the grounds or buildings situated on the present site of the University.

SEC. 5. The said sum of fifteen thousand dollars hereby appropriated shall be paid as follows, viz: \$3,500, April 1st, 1876; \$4,000, July 1st, 1876; \$3,500, January 1st, 1877, and the remaining \$4,000, July 1st, 1877.

SEC. 6 The Auditor of the Territory shall draw his warrant in favor of the Treasurer of the Board of Trustees of said University, when the draft of said Treasurer is accompanied by an order from the President of the Board of Trustees of said University, countersigned by the Secretary of said Board of Trustees.

SEC. 7. Before any warrant is drawn on the Territorial Treasurer for the payment of any sum of money, as provided in this act, the Treasurer of the Board of Trustees of the University of Colorado shall file with the Territorial Auditor a bond, with good and sufficient securities, approved by the Governor and said Territorial Auditor, or either of them, in the penal sum of twenty thousand dollars, running to the people of the Territory of Colorado, conditioned that the money shall be applied as provided in this act. Such bond shall be preserved by said Territorial Auditor, and, in case of a breach of any of the conditions of such bond, it shall be the duty of the Governor of this Territory to have suit instituted for such breach against the obligor in said bond, in the name of the People of the Territory of Colorado, and prosecuted to a final termination: and any and all money collected by reason of such suit shall be paid into the Territorial treasury.

SEC. 8. The Board of Trustees of said University shall charge a reasonable tuition fee for all pupils, both male and female, who may be admitted to said institution.

Approved February 11, 1876.

AN ACT

To amend an Act, entitled "An Act to amend chapter eighty-eight of the Revised Statutes, entitled Venue," approved February 3, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory :

SECTION 1. Whenever application shall be made for a change of venue in any cause, civil or criminal, the petitioner shall state and set forth in his petition the fact, or facts, on which his fear that he will not receive a fair trial in the Court wherein the cause is pending may be founded, and if such petition is supported by affidavits to the same effect of three credible persons, the prayer of the petitioner shall be granted and the venue of such cause changed.

SEC. 2. If the ground or cause set forth in such petition shall be the prejudice of the inhabitants of the county where the cause is pending, the venue shall be changed to some county in the district where the cause does not exist. If the ground alleged in the petition shall be that the Judge of said Court is interested or prejudiced, or is related to, or shall have been of counsel for either party, the venue shall be changed to another Judicial District, unless some other Judge can be obtained to try such cause, or the parties shall agree upon some attorney, to try said cause, or as is provided in section three of the act, to which this is amendatory.

SEC. 3. Section one of the act, to which this is amendatory, is hereby repealed.

SEC. 4. In all causes in which a change of venue shall hereafter be applied for and denied, it shall be lawful for the party whose application shall have been so denied, at a subsequent term of the Court in which such cause may be pending, if before such subsequent term and after the last preceding term of such Court, new causes for a change of venue have come to his knowledge, to renew his application for a change of venue, and to assign among the reasons for

his application for such change, the facts and causes assigned in the first application, with any additional causes for such change within his knowledge, but such second application shall be accompanied by the affidavits as required by the first section of this act

Approved February 11, 1876.

AN ACT

To regulate the Cancelling of City and Town Warrants.

Be it enacted by the Council and House of Representatives of Colorado Territory.

SECTION 1. When a city or town warrant is received by the Treasurer or Collector, and there is no money in the Treasury to pay the same, he is directed to indorse on it the amount for which it was received and the date thereof, and from that date the warrant is to be regarded as cancelled, and cannot be re-issued; but when the warrant amounts to more than is to be paid by the person presenting it, the Treasurer or Collector shall give him a certificate of the balance due him, which certificate on presentation to the board authorized to audit claims for the city or town, shall entitle the holder to receive a new warrant for the amount specified therein.

Approved February 9, 1876.

AN ACT

For the Destruction of Wolves and Cayotes.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1 That any person who shall kill any wolf or cayote, or any number of wolves or cayotes within this Territory, shall receive a premium of fifty cents for each wolf or cayote so killed, to be paid out of the Territorial Treasury as hereinafter provided.

SEC. 2. Any person claiming such premium may produce

the scalp, including the ears entire, to the county clerk of the county in which such wolf or cayote shall be killed, within two months after such killing, and take and subscribe the following oath or affirmation before such Clerk: "I do solemnly swear (or affirm) that the scalp (or scalps) here produced by me this day are of a wolf, (or cayote, or wolves or cayotes, as the case may be, giving the number), within the County of——, and that the same was (or were) killed by me within two months last^{past}," to which oath the Clerk shall append the usual jurat, subscribed by himself, as such officer.

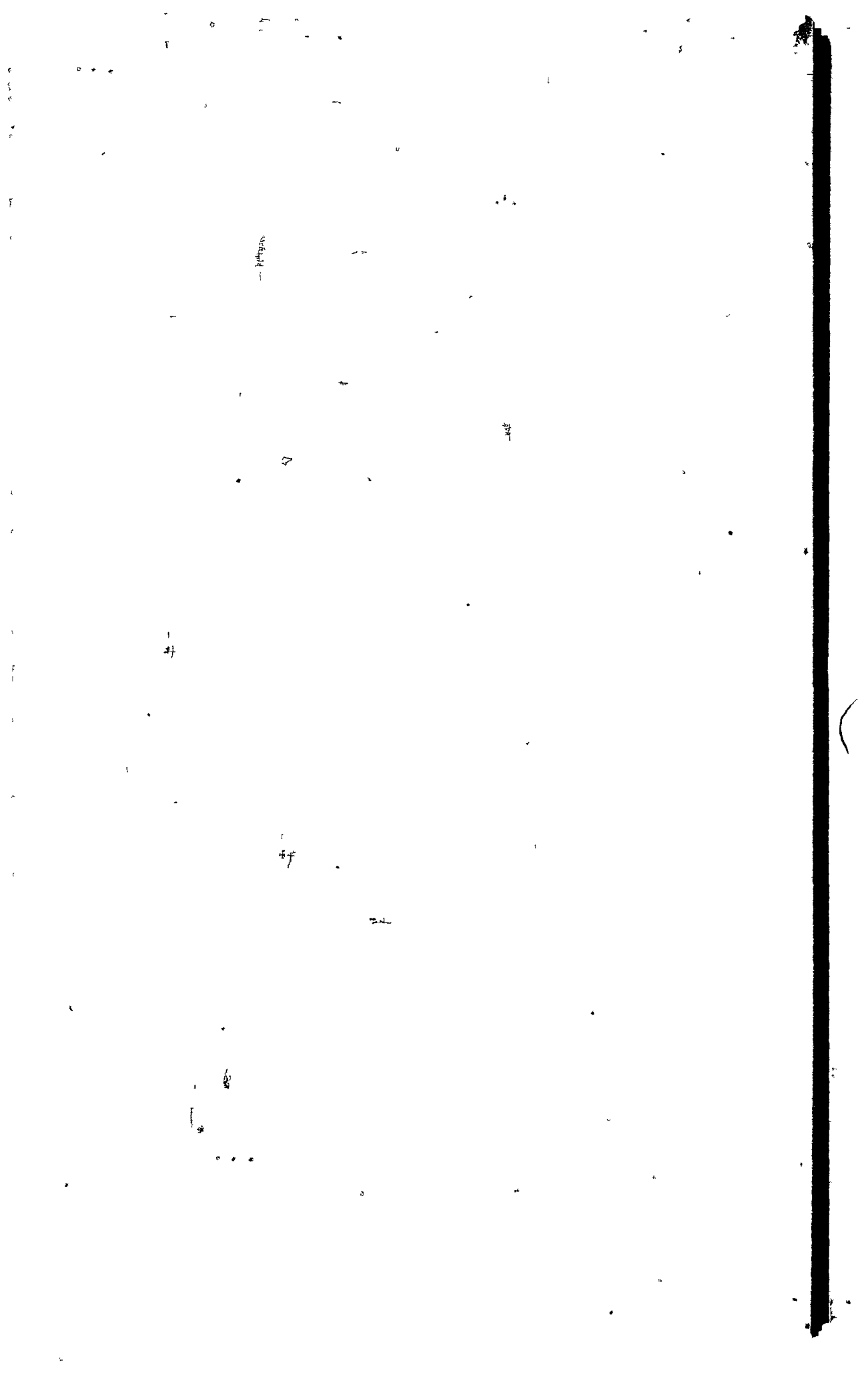
SEC. 3. Such Clerk shall forthwith destroy such scalp or scalps by burning the same, and give the person proving up the same, as aforesaid, under the hand of such Clerk and the county seal, a certificate setting forth in words the number of scalps and the name and residence of such person, and that he has proved the killing as required by statute, and is entitled to the sum of —— — dollars as premium therefor.

SEC. 4. Such certificates shall be received, and the amount so certified paid to the holder on presentation, by the Collector of the revenue of the county in which the same was given, and such Collector shall be allowed pay out of the Territorial Treasury for the same.

SEC. 5. Such Clerk shall keep a register of the number of all such scalps in a book which he shall keep for that purpose, in which he shall enter every certificate granted, the date when, and the persons by whom proven, and shall transmit a certified copy of such register, quarterly, on the 1st of January, April, July, and October of each year, under the seal of the county, to the Treasurer of the Territory; and the said Clerk shall file the aforesaid oaths, and keep them free for inspection.

SEC. 6. Such Clerk shall receive for his services from the Treasury of his county at the same rate as allowed by law for similar services, to be audited by the Board of County Commissioners.

Approved February 7, 1876.



PRIVATE ACTS

—OF THE—

ELEVENTH SESSION.

PRIVATE ACTS.

AN ACT

For the Relief of George H. Adams.

Be it enacted by the Council and House of Representatives of Colorado Territory

SECTION 1. That the County Commissioners of the county of Saguache, Colorado Territory, be and they are, hereby authorized, if they see fit, to release the said George H. Adams from all liability on a certain recognizance entered into by Webb Shipley and George H. Adams for the appearance of the said Webb Shipley before the District Court of the said county of Saguache to answer to a charge of a threat to break the peace.

Approved February 2, 1876.

AN ACT

For the Relief of Kezia Cook.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. Kezia Cook, formerly Kezia C. Wildeboor, of the county of Pueblo, is hereby relieved of all obligations imposed upon her by reason of her marriage with Jacob Wildeboor, and she is at liberty to marry again in like manner as if the said Jacob Wildeboor were actually dead.

[NOTE BY THE SECRETARY OF THE TERRITORY —The foregoing Act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislature in which it originated, within the time prescribed by the Organic Act of this Territory, has become a law without his approval]

AN ACT

To Dissolve the Bonds of Matrimony between George Boyles and Clara J. Boyles.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the bonds of matrimony between George Boyles and Clara J. Boyles, both of Trinidad, Colorado Territory, are hereby dissolved, and they are severally at liberty to marry again, in like manner as if they had never been married.

Approved February 7, 1876

AN ACT

To dissolve the Bonds of Matrimony between Thomas M. O'Brien and Linda O'Brien.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the bonds of matrimony between Thomas M. O'Brien and Linda O'Brien, both of the city of Denver Colorado Territory, are hereby dissolved, and they are severally at liberty to marry again in like manner as if they had never been married.

Approved February 7, 1876.

AN ACT

To change the Name of John Stansbury to John Holt Rice.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the name of John Stansbury, a citizen of the county of Rio Grande, in Colorado Territory, be and the same is hereby changed to the name of John Holt Rice;

and by the latter name he shall be hereafter known, both in law and equity.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 24, 1876.

AN ACT

To change the Name of Edwin Forde, of Weld County, Territory of Colorado.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the male child now living with the family of Samuel Keady, of Evans, Weld County, Colorado, whose name is Edwin Forde, shall hereafter be entitled to the name of Edwin Keady, and by that name shall be known and called.

SEC. 2. That the said Edwin Keady shall be entitled to inherit the same in the estate, real and personal, of the said Samuel Keady, in the same manner as if he were the son and natural heir of the said Samuel Keady.

SEC. 3. *Provided, nevertheless,* That the said Samuel Keady shall, on or before the first day of April, A. D. 1876, make and cause to be filed in the Probate Court of Weld County a written statement or declaration, under his hand and seal, showing his assent to and acceptance of the provisions and conditions of this act;—then this act shall take effect and be in force from and after the day last above mentioned.

Approved January 28, 1876.

AN ACT

To change the Name of George Frederick Underwood to that of George Frederick Stebbins.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1 That the name of George Frederick Underwood, now living with George I. Stebbins, is hereby changed to the name of George Frederick Stebbins.

SEC. 2 That the said George Frederick Stebbins shall be entitled to inherit the same interest in the estate, real and personal, of George I. Stebbins, in the same manner as if he were the son and natural heir of the said George I. Stebbins.

SEC. 3. This act shall take effect and be in force from and after the first day of February, A. D. 1876. *Provided*, that the said George L. Stebbins shall, on or before the first day of February, A. D. 1876, make, and cause to be filed in the Probate Court of Arapahoe County, a written statement or declaration, under his hand and seal, showing his assent to and acceptance of the provisions and conditions of this act.

Approved January 24, 1876.

AN ACT

In relation to an Adopted Child of James J. Minor

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the male child now living with and lately adopted into the family of James J. and Ruth Minor, of Fremont County, Colorado Territory, called Isaac Edwin Naylor, shall hereafter be entitled to the name of Isaac Edwin Minor, and by that name shall be known and called

SEC. 2. That the said Isaac Edwin Minor shall be entitled to inherit the same interest in the estate, real and personal, of the said James J. and Ruth Minor, in the same manner and to the same extent as if he were the son and natural heir of the said James J. and Ruth Minor. *Provided*, That the said James J. Minor and Ruth Minor shall, on or before the first day of May, A. D. 1876, execute and duly acknowledge, before some officer authorized to take acknowledgments, and file in the office of the Probate Court of Fremont County their assent in writing to the provisions of this act; —that then this act shall take effect from and after the filing of such assent

Approved January 24, 1876.

AN ACT

To change the Names of Julia Ann Garriott, Minnie Florence Bell and Evelina May Bell, all of Fremont County, Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the female child now living with the family of James A. McCandlese, of Florence, Fremont County, Colorado, whose name is Julia Ann Garriott, shall hereafter be entitled to the name of Julia Ann McCandless, and by that name shall be known and called.

SEC. 2. That the female child now living with the family of James A. McCandless, of Florence, Fremont County, Colorado, whose name is Minnie Florence Bell, shall hereafter be entitled to the name of Minnie Florence McCandless, and by that name shall be known and called.

SEC. 3 That the female child now living with the family of James A. McCandless, of Florence, Fremont County, Colorado, whose name is Evelina May Bell, shall hereafter be entitled to the name of Evelina May McCandless, and by that name shall be known and called.

SEC. 4 That the said Julia Ann McCandless, Minnie Florence McCandless, and Evelina May McCandless shall be entitled to inherit the same interest in the estate, real and personal, of the said James A. McCandless, in the same manner as if they were the daughters and natural heirs of the said James A. McCandless.

SEC. 5. *Provided, nevertheless,* that the said James A. McCandless shall, on or before the first day of April, A.D. 1876, make and cause to be filed in the Probate Court of Fremont county, a written statement or declaration, under his hand and seal, showing his assent to and acceptance of the provisions and conditions of this act, then this act shall take effect and be in force from and after the day last above mentioned.

Approved January 24, 1876

AN ACT

To change the Name of Joseph Johnson to Joseph Kavanagh.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the name of Joseph Johnson, of Denver, is hereby changed to Joseph Kavanagh

Approved February 29, 1876.

AN ACT

To change the Name of Kezia Wildeboor, of Pueblo, Pueblo County, Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1, That the name of Kezia Wildeboor, of Pueblo, Pueblo County, Colorado, shall be changed to the name of Kezia Cook, and by that name she shall be hereafter known and called.

Approved January 29, 1876.

AN ACT

To change the Name of Charles Saint George Law.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the name of Charles Saint George Law, of Central City, Colorado Territory, be and the same is hereby changed to Charles Saint George Law Stanley, and by that name he shall hereafter be known and called.

SEC. 2 This act shall take effect and be in force from and after its passage

Approved January 24, 1876.

AN ACT

To change the Name of Andrew Alfred Wood to the Name of Andrew Wood Decker, and to make him Heir at Law of Daniel Decker.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The name of Andrew Alfred Wood, now living with Daniel Decker, shall hereafter be known by the name of Andrew Wood Decker, and become the heir at law of Daniel Decker, and inherit of the personal and real estate of the said Daniel Decker, the same as if he were the natural child of the said Daniel Decker.

SEC. 2. *Provided, nevertheless,* That the said Daniel Decker shall, on or before the first day of February, A D 1876, make and cause to be filed in the Probate Court of Arapahoe County a written statement or declaration, under his hand and seal, showing his assent to and acceptance of the provisions and conditions of this act,—then this act shall take effect and be in force from and after the day last above mentioned.

Approved January 24, 1876.

AN ACT

To change the name of Malcolm C. Duncan.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the name of Malcolm C. Duncan, of the county of Fremont, Colorado Territory, is hereby changed to that of Alexander W. Livingstone, by which name he shall be hereafter known in law and equity.

Approved January 24, 1876.

AN ACT

To change the Name of Herman Brand.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the name of Herman Brand, of the town of Saguache, Saguache county, Colorado, is hereby changed to that of Herman Florentine Lauter, by which name he shall hereafter be known in law and equity. *Provided*, that the said Herman Brand shall, within forty days from the passage of this act, make and cause to be filed in the Probate Court of Saguache county, his declaration in writing of his assent to and acceptance of this act.

Approved January 29, 1876.

AN ACT

To change the Name of Nebraska Holbrook.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the name of Nebraska Holbrook, of Park county, Colorado, be and the same is hereby changed to that of Nathan Charles Holbrook.

Approved January 24, 1876.

AN ACT

Relative to the Adoption of Angelina Christmann.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That Angeline Christmann, the daughter of August Christmann and Louisa Christmann, his deceased wife, heretofore and now living with Frederick Muhs and his wife, Mary Muhs, shall hereafter be entitled to and known by the name of Angeline Muhs; and, by such name, shall be entitled to have and inherit the same interest in the estate, real and personal, of the said Frederick and Mary Muhs, and in like manner as if she were their daughter and natural heir. *Provided*, however That the said August Christmann and Frederick and Mary Muhs shall, within forty days from the passage of this act, make and cause to be filed in the Probate Court of Arapahoe county a written declaration, by them respectively signed and sealed, of their assent to and acceptance of this act.

Approved February 11, 1876.

AN ACT

In relation to an adopted child of Israel B. Hatch.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the name of Frances Amelia Landon, a child adopted by and now living with Israel B. Hatch, of Arapahoe County, Territory of Colorado, be and is hereby changed to Frances Amelia Hatch, and by the latter name she shall hereafter be known, both in law and equity.

SEC. 2. That the said Frances Amelia Hatch shall be entitled to interest in the estate, real and personal, of the said Israel B. Hatch, in the same manner as if she were the daughter and natural heiress of the said Israel B. Hatch, *Provided*,

nevertheless, that the said Israel B. Hatch, shall, on or before the first day of April, A. D. 1876, make and cause to be filed in the Probate Court of Arapahoe county, a written statement under his hand and seal, that he is acquainted with and gives his consent to the provisions of this act, and immediately after such statement has been filed in the Probate Court, of Arapahoe county, this act shall take effect.

Approved February 11, 1876.

AN ACT

- In Relation to the Adopted child of David H. Heimberger.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That the male child now living with and adopted by David Heimberger, of Saguache county, Colorado Territory, called Jacob, whose name and parentage, when born, was Oppenheim, shall hereafter be entitled to the name of Jacob Oppenheim Heimberger, and by that name shall be known and called.

SEC. 2. That the said Jacob Oppenheim Heimberger shall be entitled to inherit the same interest in the estate, real and personal, of the said David Heimberger, in the same manner as if he were the son and natural heir of the said David Heimberger. *Provided*, that the said David Heimberger shall, on or before the first day of May, A. D. 1876, make and cause to be filed in the Probate Court of Saguache county, a written statement or declaration, under his hand and seal, showing his assent to and acceptance of the provisions and conditions of this act.

Approved January 24, 1876.

AN ACT

In relation to the Adopted Child of A. H. Jarvis and Wife.

Be it enacted by the Council and House of Representatives of Colorado Territory :

SECTION 1. That the female now living with and adopted into the family of A. H. Jarvis and his wife, of Saguache County, Colorado Territory, called Lillian Isabel, whose name and parentage when born was Jones, shall hereafter be entitled to the name of Lillian Isabel Jarvis, and by that name shall be known and called.

SEC. 2. That the said Lillian Isabel Jarvis shall be entitled to inherit the same interest in the estate, real and personal, of the said A. H. Jarvis and his wife, in the same manner as if she were the daughter and natural heir of the said A. H. Jarvis and his wife *Provided*, That the said A. H. Jarvis and his wife, and George H. Jones, the natural father of the said Lillian Isabel, shall, on or before the first day of May, A. D. 1876, make and cause to be filed in the Probate Court of Saguache County, Colorado, a written statement or declaration, under their hands and seals, showing their assent to and acceptance of the provisions of this act.

Approved January 24, 1876.

MEMORIALS AND RESOLUTIONS.

JOINT RESOLUTION

Postponing certain cases in the District Court of
Boulder County.

WHEREAS, the attorneys retained by the defendant in the case of Oliver H. Harker, administrator of Edgar M. Bard, deceased, against Samuel Newell, and the case in Chancery of Hupper and others, against said Newell and others, and for the appellant in the matter of the appeal of Benjamin L. Stotts, executor of Louis Stotts, deceased, pending in the District Court of Colorado Territory, in and for the county of Boulder, are now necessarily engaged in the public service, and thus prevented from attending the present term of said Court, therefore,

Resolved, By the House of Representatives of Colorado Territory, the Council concurring, that the three several cases mentioned in the preamble hereto, be and the same are hereby continued into the next term of said District Court.

Approved January 26, 1876.

A MEMORIAL

To the Senate and House of Representatives of the United States in Congress Assembled, calling Attention to the Grievances of the "Ute" Indians.

To the Senate and House of Representatives of the United States in Congress Assembled:

Your Memorialists, the Council and House of Representatives of the Territory of Colorado, would respectfully

call the attention of your honorable body to the following facts:

It is now over two years since the "Brunot Treaty of 1873" was signed by the Ute Indians, and nearly two years since the same was ratified by the Senate, yet notwithstanding the solemn promise of the United States that the sum of twenty-five thousand dollars should annually be expended for their benefit in consideration of their having ceded to the United States a certain portion of their reservation, *not one dollar has been appropriated for that purpose.* Under these circumstances the Utes have become exceedingly irritated. They complain bitterly of the want of good faith on the part of the Government. They say that they have been cheated out of their lands; that they have fulfilled their part of the treaty, yet they have received nothing. They claim that they have been put off, time and again, with false promises, and say that they will no longer submit to what they consider a grievous outrage upon their rights. Already some of the younger braves have committed various depredations; houses have been burned, crops destroyed, lives threatened, and the head chiefs themselves, although hitherto friendly in the extreme, have openly declared their avowed purpose of driving out the entire white population early in the spring, if by that time they have not received that which they were promised. That they will attempt to accomplish this object, if they are not either held in check by the presence of troops, or else satisfied in their claims, cannot be doubted, nor can it be doubted that they will be resisted in the attempt; and thus a collision is imminent, which would inevitably result in a bloody and costly Indian war, in the loss of many lives, in the embittered hostility of a powerful tribe, at present friendly, and in a most disastrous blow to the development of the new and rich mining districts in the southwestern portion of our Territory.

In justice, therefor, to the Utes, who have faithfully kept their portion of the contract, and have ever endeavored to live on friendly terms with the whites, in justice to the

citizens of the United States residing in that section of Colorado, whose lives and property are imperilled, and finally in justice to our common country, whose honor should be maintained inviolate even in so small a matter as a treaty with a tribe of savages, we would entreat your honorable body to take this subject under your immediate consideration, and to take care that the contract on the part of the United States is fulfilled to the letter, at as early a day as is possible. And we would finally say that by such action you will avert the impending outbreak, renew the good feeling that has so long existed between the Utes and the whites, and receive the grateful thanks of a numerous population

Approved January 28, 1876.

A MEMORIAL

To the Senate and House of Representatives of the United States in Congress assembled, praying for the establishment of a Military Post in southwestern Colorado, and for the construction of a Military Wagon Road from some point upon the Rio Grande river, across the main range, to Fort Defiance.

To the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the Council and House of Representatives of the Territory of Colorado, would respectfully represent that there is urgent need of a military post in the southwestern portion of this Territory, either upon the Animas, La Plata, or Mancos rivers, near the line of the Indian reservation, for the following reasons:—

There is at present no military post within two hundred miles of this section of Colorado, which is the abode of large numbers of unfriendly Indians of the Ute, Pi-Ute, Apache, and Navajo tribes, many of whom have never acknowledged the authority of the United States, and never reside upon their reservations, and who, feeling themselves secure in the mountain fastnesses and intricate cañons of

this region, on account of their remoteness from any military power, have hitherto committed such depredations as they chose, without fear of punishment. Within the past two years, several persons have been killed, and a large amount of property destroyed. Last summer, the surveying parties of Prof. Hayden were attacked by these Indians, and barely escaped with their lives. And at the present moment, the settlers in the valleys of the Animas, La Plata, and Mancos are living in constant fear of outrages upon their lives and property. Under these circumstances, the development of that section of country must, of necessity, be greatly retarded; and, so long as the constant danger of Indian hostilities exists, its rich mining, pastoral, and agricultural resources must be almost untouched, instead of contributing largely to the material wealth of our country. In view, therefore, of the state of insecurity to life and property existing in that portion of our Territory, and in order to give to the inhabitants thereof that security and protection which they, as good citizens of the United States, have a right to expect and receive, we pray your honorable body to take the necessary steps for the establishment of a military post in this region at as early a day as is possible.

We would further represent to your honorable body that the construction of a military wagon road from the San Luis park up the Rio Grande river, across the main range of the Rocky mountains to Baker's park; thence down the Animas river to the proposed military post; and thence southwestward to Fort Defiance, in Arizona;—would be of incalculable benefit to the regions through which it would pass, by opening up a thoroughfare which is most urgently needed, and would, moreover, prove of great service to the government in facilitating the transportation of military stores and supplies for the Indian agencies. It would bring the posts in western New Mexico and Arizona one hundred miles or more nearer to the railway depots, it would bring under the immediate control of the military power the bands of Indians before-mentioned, who have not, as yet, felt the check of authority upon their actions, and it would

hasten the development of the immense mineral resources of the country by affording better facilities for the transportation of supplies, ores and bullion than are at present enjoyed.

The other Territories of the United States have reaped great benefit from the military roads which the general government has built from time to time within their limits. Colorado, however, the most populous of all the Territories, has as yet been overlooked in the appropriations for this purpose. In justice therefore to our Territory, and in view of the great benefit the general government will derive from the construction of this road in the reduced expense of transporting supplies to the posts and Indian agencies in Western New Mexico and Arizona, and the ease with which the military power may reach and control what is at present one of the most inaccessible and dangerous of Indian countries; and furthermore, in consideration of the great impulse which would be given to the mining development of this district, which we believe to be one of the richest in the United States, we therefore respectfully ask that such an appropriation be made as will be sufficient for the construction of the described wagon road.

Approved January 28, 1876.

A MEMORIAL.

To the Senate and House of Representatives of the United States in Congress Assembled:

Your Memorialists, the Council and House of Representatives of the Territory of Colorado, would most respectfully represent:

That it has become a common practice in certain portions of our Territory, for persons to violate the pre-emption laws by entering land under fictitious names, and under fraudulent pretenses, in this manner often depriving the "bona-fide" settlers of their right to the land upon which they have taken up their abode and expended their time and money.

We would further represent, that owing to a variety of causes, it has hitherto proved almost impossible to appre-

hend and convict the persons guilty of these crimes; and that great hardship has aften resulted therefrom to the actual settlers upon the public lands; who have found their claims pre-empted and patented over their heads without their knowledge and consent.

In view therefore of this state of affairs, we respectfully request your honorable body to remedy these evils by so amending the Statutes of the United States, as to compel every individual who desires to file upon any of the public lands, to exhibit to the Register of the Land Office, the proof of his "bona-fide" settlement and improvement upon the land desired to be filed upon, properly attested by the Probate judge of the county in which the said land may be situated, or to take such other action as may be effectual to remedy the evils before mentioned.

Approved February 4, 1876.

A MEMORIAL

To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled:

Your Memorialists, the Council and House of Representatives of the Territory of Colorado would respectfully represent:

That the right to take wood and timber from the public lands is indispensable to the settlement of all new countries. That generally the timbered lands of such countries are unavailable to its citizens by purchase, through the neglect to survey and properly place the same in market That a large number of the inhabitants of this Territory, our constituents, are without wood, fuel and timber necessary for the erection of dwellings and other buildings, except such as is found standing and growing upon the public lands.

Your memorialists therefore humbly pray that your honorable bodies will so modify the existing laws as to permit actual settlers in this Territory, to cut, take and remove from the public lands, necessary wood for fuel and fences, and timber for the erection of dwellings and other buildings.

Approved February 10, 1876.

INDEX TO GENERAL LAWS.

	PAGE
ADOPTION.	
<i>See Children, p. 38.</i>	
AGRICULTURE.	
Act to encourage in Weld County	11
ADJUTANT GENERAL	
Salary of ..	12, 165
APPROPRIATIONS.	
Act to provide for expenses of Territory for fiscal years 1876 and 1877, and payment of outstanding bills on Dec. 31st, 1875, 12, 13, 14, 15, 16, 17, 18	
For salaries of Judges, Adjutant General, Auditor, Assayers, Territorial Librarian, Treasurer, Superintendent Public Instruction, Governor's Private Secretary, Board of Managers of Penitentiary, Warden, Officers of Deaf Mute Institute, and District Attorneys.....	12, 13
For contingent expenses of Territory ..	14
For contingent expenses of Governor's office, Treasurer's, Auditor's, and office of Superintendent of Public Instruction	13, 14
For fugitive apprehension fund	14
For insane pauper fund ...	14
For holding Institutes in Judicial Districts.....	14
For reimbursement of Sag-uache County for care and support of John Rom-bach, insane pauper ..	15
For reimbursement of Park County for support of Richard Ralanda, in-sane pauper	15

(26)

	PAGE
For incidental printing for Territory	14
For legislative printing, to include \$75 to J A J. Bigler for postage ...	14
For payment of Moses Hal-lett for reports	14
For printing Governor's message	14
For payment of Foster Ni-chols, organizing Council	15
For translating Governor's message and rules of House into Spanish.....	14
For payment of William N. Byers for legislative print-ing, tenth session	15
For payment of Henry C. Brown for legislative printing for tenth session	15
For relief of Pat'k Skehan	15
For relief of W. F. Smith..	15
For relief of W. Frank Smith	15
For relief of Robert Y. Force	15
For relief of Jos. Arnold...	15
For relief of Herman Beck-urts	15
For relief of David Briggs	18, 19
For payment of Chris. Mey-er and Joseph Bourcy, in-terpreters	16
For payment expenses of Board of Health.....	16
For payment of Chaplain of Council	16.
For payment of Secretary, assistant secretary, enrol-ling and engrossing clerks, Council	17
For payment of chief clerk, assistant clerk, engrossing- and enrolling clerks, House	17

	PAGE		PAGE
For payment of C. Domin- guez, interpreter	17	Requisites of	20
For payment of legislative committees	17	Causes for	20, 21, 22
For payment of deficiency in government appropria- tion for per diem and mileage of members, eleventh session.....	17	May be amended	23, 27
For Secretary Territory for copying laws eleventh session for printer.....	17	<i>Bond.</i>	
For Cyrus H. McLaughlin for administering oath to eleventh legislative As- sembly	18	To be taken by clerk or Judge before issuing writ	22
For payment of Joseph T. Boyd, organizing House, eleventh session.	18	Security to be given, by whom.....	22, 27
For Centennial Exhibition .	36	Amount of.....	22, 27
For Constitutional Conven- tion.....	39	How conditioned	22, 27
For Deaf Mute Institute ..	64	Writ issued without, to be dismissed	23
For Spanish printing	84	May be amended ..	23, 27
For Library Supreme Court	86	Form of condition of	23, 28
For Penitentiary.	99	Obligee may sue obligor without instituting suit against principal.....	24, 28
For School of Mines	159	Shall state who are obligors and securities.....	24
For University	183	If insufficient, Court or clerk order another and additional security	24
ARAPAHOE COUNTY		Giving additional bond not to release obligor on orig- inal.....	25, 28
Act relating to fees and sal- aries in....	72	In suit on, principal may avail himself of set-off against obligee	25, 28
ASSAY OFFICES		By whom recorded.....	26, 28
Established in Montezuma, Del Norte, Lake City, Parrott City, and one at some other point in La Plata County	19	Record of, may be read in evidence when original is lost or destroyed.....	26, 29
Assayers, salary of	12	<i>Writ</i>	
ASSESSMENTS.		In what cases to issue	20, 21
<i>See Revenue, p. 117</i>		By whom may be issued	20, 26
ASSIGNMENTS.		How returnable.	21
Of claims.....	19, 20	Issued without bond, shall be quashed	23, 27
When may be assigned.....	20	If defective, may be amen- ded.....	23, 27
Assignee may file lien	20	May be issued from District or Probate Court in cases where Justices have juris- diction, when.....	26
ATTACHMENTS		May be issued on demand, not due.....	27
Nothing in act concerning, to affect sections 99, 100, and 101 of chapter 50 of Revised Statutes, or to affect an act defining fur- ther causes for attach- ment, approved February 8th, 1872	26, 27	<i>Garnishee.</i>	
<i>Affidavit for</i>		Compensation allowed for answering interrogations, and attendance at court	26, 28
Who may be made by	27	No execution awarded a- gainst, until indebtedness due defendant	26
Before whom may be sworn to	25, 28	AUDITOR.	
Where may be filed	20	Election of.....	167
		Authorized to audit bills and draw warrants when satisfied of justness of	

	PAGE
claim	17
Salary of ..	12, 165
Contingent fund	14
To approve bonds Board of Managers of Penitentiary	102
To provide office, etc., for Board of Health.....	35
To endorse warrants drawn by Centennial Commis- sioners, how.....	36
To add mileage to certifi- cates of members of Con- stitutional Convention ...	39
To approve bond of Treas- urer of Board Managers Penitentiary.....	102
To deduct amount of avail- able taxes from delin- quent taxes charged a- gainst counties, when ...	163
To approve bond of Treas. Board Trustees University	184
To draw warrants for extra clerks and officers of leg- islature, eleventh session	16, 17
To draw warrants for mem- bers and officers of Con- stitutional Convention ...	39
To draw warrants for Board Managers Penitentiary	99, 101
To draw warrants for clerk Supreme Court	86
To draw warrants in favor of Treasurer Board Trus- tees University	183
To draw warrants for Cyrus H McLaughlin.....	18
To draw warrants for Jos T. Boyd	18
To draw warrants for Da- vid Briggs	18
To draw warrants for pay- ment Spanish printing ...	84
<i>Bent County.</i>	
Terms District Court in	67
BLACK HAWK	
Act to amend charter of... ..	179
Act for relief of inhabitants of	178
<i>See Towns, and Cities, pp</i> <i>178, 179, 180</i>	
BOARD OF HEALTH.	
Of whom consist.....	33
How appointed.....	33
Duties of.....	33, 34, 35
When shall meet.....	34
Term of office and duties of Secretary.....	34

	PAGE
Health physicians and clerks of local boards shall report to	35
Physicians of corporations to forward information to	35
Auditor to provide office and stationery for	35
Expenses of, paid by Terri- tory	16, 35
BONDS, BILLS, NOTES.	
In action upon, sufficient for plaintiff to give copy of ..	30
Parties severally liable, may all be included in same action	30
Act concerning, repealed...	31
BONDS.	
<i>In legal and equitable pro- ceedings</i>	
To be recorded by clerk of Court	31
Securities on to be residents Colorado	31
If insufficient, clerk shall order another.....	32
Shall be recorded by Judge if no clerk is provided...	32
In case loss of, record may be read in evidence	32
<i>Boulder County.</i>	
Terms of Court in	66
CENTENNIAL EXHIBITION.	
Resolution 1874, repealed..	36
Appropriation for	36
Duties of commissioners..	36, 37
Warrants for expenses of, how drawn	36
Articles for, how and where delivered	37
Compensation of commis- sioners	37
Commissioners may employ substitute	37
Unexpended balance appro- priation; how applied.....	37
CENTRAL CITY.	
Act to amend charter of....	177
Act for relief of inhabitants of	175
<i>See Towns and Cities, p. 175,</i> <i>177.</i>	
CEMETERY ASSOCIATIONS.	
May receive bequests, etc...	52
May declare dividends as other corporations	52
CHILDREN, ADOPTION OF	
Deed for, recorded, where .	38
Married women may adopt	38

	PAGE		PAGE
Rights of children adopted	38	Penalty for failure to pub-	
Court may change name of	38	lish annual report.....	42, 49
Consent of parents or guard-		Right of way, how ob-	
ian necessary	38	tained.....	42, 43, 44, 45, 46
CONSTITUTIONAL CON-		Liable to prosecution for	
VENTION.		failure to satisfy for lands	
Act to defray expenses of...	39	appropriated	48
Per diem members and offi-		COUNTIES AND TOWNS	
cers of.....	39	Bonds of, not to be sold for	
Time limited for which		less than seventy-five per	
members and officers paid	39	cent of par value	50
Certificates of, how drawn	39	Not to be issued unless	
Appropriation for	39	petition signed by one	
CONVEYANCES		hundred legal voters.....	50
Act concerning.....	40	Two-thirds vote requisite	
CONEJOS COUNTY.		for issuance of.....	51
Terms of Court in.....	67	Stock may be sold to re-	
CORPORATIONS		deem bonds, by two-thirds	
Acts amendatory to Chapter		vote	51
18, Revised Statutes,		President of Board of Trus-	
40, 49, 50, 52		tees of, shall be deemed	
Prior corporations shall have		mayor.....	50
benefits of, and shall be		COSTS	
liable to penalties of.....	49	<i>In criminal cases.</i>	
Religious, educational, mus-		Prosecuting witness shall	
ical, library, or other		pay, when	53
corporation for benefit of		Counties shall pay, when	53
public, may have advan-		Prosecutor shall pay, when	53
tage of, and may receive		<i>In civil cases.</i>	
bequests, etc.....	49	Plaintiff recovers, when....	54
Manufacturing, mining, road,		Plaintiff may recover coun-	
railroad, telegraph, ditch,		sel fee	54
canal, fluming and tunnel		COSTILLA COUNTY.	
companies, certificates of		Terms of Court in	67
what to state	41	COUNTY COMMISSIONERS.	
Number of certificates to be		May pay costs in criminal	
made by	41	cases, when	53
Bridge companies must give		Shall publish detailed state-	
intended location	46	ment, how	55
May plead, answer, etc,		COUNTIES	
same as individuals.....	46	<i>Arapahoe.</i>	
Term of existence of	41	Act concerning fees and	
Capital stock of, how paid		salaries	72, 73, 74
in	47	<i>Bent.</i>	
Trustees of, may contract		Terms of Court in	67
for labor....	46	<i>Boulder</i>	
Shall be dissolved on fail-		Terms of Court in	66
ure to pay up stock.....	47	<i>Conejos</i>	
If no effects in territory,		Terms of Court in	67
stockholders shall be		<i>Costilla</i>	
liable	47	Terms of Court in	67
May appeal from decision		<i>El Paso.</i>	
of Probate or District		Terms of Court in	67
Court	47	Act of 1872 concerning	
May amend corporate name	47	school bonds made ap-	
Shall file impression of seal	48	plicable to	157
May insert any lawful clause		<i>Fremont</i>	
in certificate.....	48	Terms of Court in	67

	PAGE
<i>Gilpin.</i>	
County commissioners may borrow money to erect buildings	55
Upon petition shall submit question of issuing bonds	57
Duty of, to examine books of Treasurer quarterly ...	56
Bonds, how authorized, numbered and dated ...	55, 56
Clerk shall keep record of..	56
Shall be paid in order of issuance	56
Shall not be sold for less than 83 1/3 per cent. of par value	57
Vote requisite to issue	57
Levy of taxes for redemption of.....	56
Term of Probate Court in.	114
Duty of clerk and Assessor	177
<i>Grand</i>	
Term of Court in.....	66
<i>Hinsdale</i>	
Change of boundaries of ...	59
Records of conveyances affecting title to property in territory attached to, legalized.....	61
Terms of Court in.....	67
May issue bonds for building wagon roads in.....	125
<i>Huerfano.</i>	
May levy special tax to build court house	57
Terms of Court in.....	67
Act relating to irrigation in	79
<i>La Plata</i>	
Records of, to belong to San Juan.....	59
Cases pending in Probate Court, transferred to new county of	59, 60
County and precinct officers to retain same in San Juan, except those living in new county.....	60
Governor to appoint new officers for	60
Indebtedness of, how apportioned..	60
Attached to San Juan for judicial purposes..	60
May issue bonds for building roads in.....	125
<i>Lake.</i>	
Act concerning Probate Court in....	113

	PAGE
Act concerning road law in	121
<i>Larimer.</i>	
Act concerning Probate Court in.....	110
Act relating to fees in.....	74, 75
<i>Las Animas.</i>	
Act providing for fencing lands in	75
Terms of Court in.....	67
<i>Park.</i>	
Appropriation for reimbursement of, for support of insane pauper.....	15
Act concerning Probate Court of.....	107
<i>Pueblo</i>	
Act concerning roads and highways in.....	124
Terms of Court in.....	67
<i>Rio Grande.</i>	
Terms of Court in	67
May issue bonds for building wagon roads in	125
<i>Saguache</i>	
Appropriation for reimbursement of, for care of insane pauper.....	15
Act concerning Probate Court in.....	110
Act concerning road law in	121
<i>San Juan</i>	
Act to establish.....	58
Boundaries of.	58, 59
County seat of, where located	59
Processes of law in, shall substitute "County of San Juan," for "County of La Plata,"	59
Records of La Plata shall be property of.....	59
Cases pending in Probate Court of La Plata, transferred to.....	59
County and precinct officers of La Plata, shall be officers of.....	60
May issue bonds for building wagon roads in.....	125
Terms of District Court in	60, 67
La Plata attached to for judicial purposes.....	60
In what council and representative district	60, 61
Certain records of conveyances legalized	61
<i>Weld.</i>	
Act in relation to fees in..	74, 75

	PAGE		PAGE
COUNTY SEATS.		Appointee same power and	
Vote requisite to change ...	58	fee as	65
CRIMINAL CODE.		DISTRICT COURT.	
Justice of Peace not to ad-		Salary of Judges of	166
mit to bail person charged		May appoint district attor-	
with treason, murder etc ,		neys, when	000
when proof is evident ...	62	May change names, of	
Malicious injury of animals,		whom... ..	38, 96
penalty for.....	63	Terms of, changed in cer-	
Interference with herder or		tain counties	60, 66, 67
shepherd, penalty for	63	<i>Second Judicial District</i>	
Penalty for injuring or de-		Cases pending in, when re-	
stroying cabins, etc.....	63	turnable	66
Offenders liable to parties		Terms of, in Boulder, Grand	
injured	63	and Larimer	66
CRIMES, MISDEMEANORS		<i>Third Judicial District.</i>	
Act concerning prosecution,		Pending causes, when	
of	61	heard	67, 68
Not to invalidate prosecu-		Terms of, when and where	
tions heretofore instituted	61	held	67
Acts of January 29, 1872,		To exercise jurisdiction of	
and February 13, 1874,		Circuit and District Court	
repealed	61	of the United States. ...	67
DEAF MUTE INSTITUTE		DITCHES	
Act to provide fund for		<i>See Corporations, pp 41 to 48</i>	
maintenance of	64	Companies deriving water	
Balances sent to the Terri-		from same source of sup-	
torial Treasurer quarterly	64	ply may consolidate	68
Appropriations for, how ex-		Requisites of certificate of	
pended	64	consolidation	69
Considered a loan.....	64	Owners of shall keep in re-	
How repaid	64	pair.. ..	78
Salary of principal, steward		No more water to be run	
and matron	13, 166	through than necessary...	78
Salary of Treasurer Board		Penalty for failure to keep	
Trustees	166	in repair, or wastage of	
DEL NORTE, CITY OF.		water	78
Assay office established in..	19	EJECTMENT	
DENVER, CITY OF		In suit brought to prevent	
Amendments to act to in-		entry of mining property,	
corporate city of	169	burden of proof upon	
Amendment to act for sup-		defendant.....	54
port and regulation of		Plaintiff may amend decla-	
public schools of.. ..	157	ration	54
<i>See Towns and Cities, p 169,</i>		Declaration, substance and	
<i>and Schools, p. 157.</i>		requisites of.. ..	69
DESCENTS		Character of evidence al-	
Act in relation to ...	65	lowed	69
If intestate leaves no hus-		<i>El Paso County</i>	
band, wife or children,		Term of Court in	67
estate descends how	65	ESTATES	
DISTRICT ATTORNEYS		Executor of may dispense	
Salary of.....	166	with sale, when.....	70
If interested in case, or		EVIDENCE, DEPOSITIONS.	
been employed as coun-		<i>Evidence.</i>	
sel, Court may appoint... 65		Certified copy of acts elev-	
If sick or absent, Court		enth session to be taken	
may appoint.....	65	as	70

	PAGE		PAGE
<i>Depositions.</i>		FORCIBLE ENTRY AND	
Of non-resident witnesses ..	71	DETAINER.	
Not to prevent attendance		To terminate tenancy,	
at Court	71	when	76, 77
Clerk of Court to file.....	71	FREMONT COUNTY.	
Party to cause, or attorney		Terms of Court in	67
may see and make copy..	71	FUGITIVES FROM JUSTICE.	
EXECUTORS AND ADMIN-		Fund for apprehension of, .	14
ISTRATORS		Certain appropriations for	
May dispense with sale,		apprehension of.....	15
when.....	70	GILPIN COUNTY.	
FEES AND SALARIES		Act concerning Probate	
An act relating to	72	Court of	113
<i>Arapahoe County</i>		Act to establish county road	
Of members and officers		in	121
Constitutional Convention	37	GOVERNOR.	
Of Centennial commission-		Salary of private secretary	
ers	37	13, 165	
Of legislative committees		Contingent expenses of	
in examining accounts of		office	13, 165
Auditor and Treasurer...	17	Shall appoint Board of	
Of legislative committees		Health	33
in visiting Penitentiary,		Shall approve bond of Cen-	
Deaf Mute Institute,		tennial commissioners ...	37
School of Mines and		Shall appoint officers in	
University	17	new county of La Plata...	60
Of commissioners to exam-		May restore convicts to	
ine insane criminals	78	citizenship, when.....	101
Of extra officers and clerks		Shall have power to exam-	
of eleventh session legis-		ine accounts of treasurer,	
lative assembly ..	16, 17	and remove from office,	
Of sheriff	72, 73, 74	when	167
Of clerks District Court. ...	72	May appoint arbitrators to	
Of witnesses	74	apportion indebtedness of	
Of jurors	74	La Plata county.....	60
<i>Weld and Larimer Counties.</i>		Shall appoint treasurer,	
Of Chairman Board of		when.....	167, 168
County Commissioners ..	75	Shall order treasurer to	
Of County Treasurer, may		give additional security,	
be increased	75	when	168
FENCES & ENCLOSURES		Shall bring suit upon bond	
<i>See Agriculture, p. 11.</i>		of treasurer, when	168
<i>Weld County</i>		Shall approve bond of treas-	
When district secretary shall		urer of Board of Trus-	
give list of property to		tees of University.....	184
collector.....	11	In case of breach of trust	
When collector shall add		of treasurer University,	
percentage to taxes of		Governor shall prosecute	184
district list.....	11	GRAND COUNTY	
No damages or fines to be		Terms of Court in.....	66
recovered unless taxes		GUARDIAN.	
are paid	11	Consent of, shall be en-	
<i>Las Animas County</i>		dorsed on deed of adop-	
To be elected on meadows	75	tion.....	38
Penalty for failure to erect..	76	HINSDALE COUNTY.	
FLOUR INSPECTOR.		Terms of Court in	67
Office of abolished	76	<i>See Counties, p. 59, 61</i>	

	PAGE		PAGE
HUERFANO COUNTY.		Writ of attachment may be	
Act authorizing levy of		issued by	26
special tax to build court		Shall not admit to bail	
house	57	person charged with	
Act concerning irrigation		treason, murder, etc.,	
in.....	79	when proof is evident....	62
Terms of Court in.....	67	Accused shall have privilege	
IDAHO SPRINGS.		of making statement	
Act to provide for further		before	83
execution of trust relating		LAKE CITY.	
to town site of the		Assay office established in ..	19
town of.....	181	LANDMARKS.	
INDIGENT DEFENDANTS		Penalty for defacing or destroying	83
Witnesses of, when may be		LA PLATA COUNTY.	
summoned	77	See Counties, pp. 59, 60, 61.	
How paid	77	LARIMER COUNTY.	
INSANE CRIMINALS.		Act concerning Probate	
Governor may pardon,		Court in	110
when	78	Act relating to fees in.....	74, 75
Pay of Commissioners to		Terms of District Court in	66
examine	78	LAS ANIMAS COUNTY.	
IRRIGATION.		Act providing for fencing	
Owners of ditches for, to		lands in	75
keep in repair.....	78	Terms of District Court in	67
Not to waste water in.....	78	LAWS.	
Penalty for violation of		Act providing for printing	
provisions of act... ..	78	of, in Spanish, for 1876...	84
<i>Huerfano County.</i>		Act concerning printing of,	
Unlawful to direct water		passed by eleventh legislative	
from streams, when	79	assembly	85
Penalty for violation	79	LIBRARIES.	
Amount of fines for violation		An act concerning.....	85
to go to school fund...	79	<i>Supreme Court.</i>	
JUDGES SUPREME COURT.		Appropriation for	86
Salary of.....	12	Duty of clerk and librarian	86
JURORS.		Who may have access to ..	86
Act concerning	79	Unexpended balance of appropriation	
Who eligible for	80	for, how used	86
Teachers, engineers, conductors		LIENS.	
and superintendents of railroads		<i>Mechanics' Liens.</i>	
exempt from serving.....	81, 82	How proceed to obtain	87
Certain others exempt from		Requisites of statement	87
serving	81	Notice to be recorded.....	88
JUSTICES AND CONSTABLES		Notice, how served.....	88
Sections 97 and 98 of chapter		In enforcement of, who defendants	
50, Revised Statutes, repealed		and who plaintiff.....	88
.....	29	Plaintiff shall cause notice	
<i>Justices.</i>		to be published	88
Persons appealing from judgment		Forfeiture for filing notice	
of, to pay costs. (Applicable only		claiming greater amount than due...	89
to Arapahoe county.)...81,	82	Not to be given sub-contractor	
To, turn over all books, papers,		or laborer for greater amount than due,	
etc., to successor	82	or to become due contractor	
Powers and duties of new incumbent	82	from owner	89

	PAGE		PAGE
After filing notice, if con-		Notice of change, to be	
ditions of not fulfilled,		published, how	96
shall be withdrawn.....	89	Judge may grant petition	
Forfeiture for failure to		for.....	96
withdraw notice... ..	89	Duty of Judge to record ...	96
<i>Upon Personal Property</i>		NITRO GLYCERINE.	
In favor of hotel, tavern		Transportation of unlawful,	
and boarding-house keep-		in what cases	96, 97
ers.....	90	How packed and marked...	97
May retain baggage of pa-		Penalty for violating statute	97
trons.....	90	Person violating, deemed	
<i>Equitable.</i>		guilty of manslaughter...	97
Plaintiff in chancery suit		NON-RESIDENT INFANTS.	
based upon, shall file no-		In removal from Territory	
tice	90	Court may authorizs pay-	
What notice shall state	91	ment of funds of, to guar-	
Pendency of suit, construc-		dian	98
tive notice purchasers		Guardian of, shall furnish	
from date of filing notice	91	proof of appointment and	
Clerk shall record notice ...	91	qualification.....	98
LIMITATIONS.		Power of Probate Courts in	
Act concerning	91	certain cases concerning..	98
MARRIAGES		ORO CITY.	
Act of 1874 repealed	92	Assay office established in..	19
Statute concerning, in force		PARK COUNTY.	
February 13, 1874, re-		Act concerning Probate	
vived	92	Court in.....	107
MARRIED WOMEN		Appropriation for reim-	
May adopt children	38	bursement of.....	15
MINES		PARROTT CITY.	
Writ of restitution, when		Assay office established in..	19
issue.....	92, 93	PARTITION.	
Surface boundaries of, how		Property partitioned, how	
marked.....	94	described	98, 99
Persons aiding in violent		PENITENTIARY.	
dispossession of, deemed		Board of Managers of, to	
as principal	94	pay commissioners for	
Regarding improvements of	95	examining insane crimi-	
MONTEZUMA.		nals.....	78
Act to change time of elec-		Appropriation for payment	
tion in town of	180	of deficit in expenditures	
Assay office established in..	19	of.....	99
MORTGAGES.		Appropriation for enlarge-	
<i>Foreclosure of.</i>		ment of.....	99
If property mortgaged is		Convicts in, entitled to de-	
insufficient to satisfy, bal-		duction from time of	
ance due made by levy-		sentence for good be-	
ing on other property....	95	havior.....	100
Execution, how issued.....	95	Penalty for violation of	
Advertisement, sale and		rules	100
conveyance real estate,		Sentences of convicts under	
made as under ordinary		different indictments con-	
executions	95	strued as one sentence ..	100
NAMES.		Duty of warden to keep	
Act in regard to change of..	96	record of violation of	
Who may change	96	rules.....	100
Requisites of petition for...	96	Convicts shall be restored	

	PAGE
sentence without violation of rules	101
Board of Managers shall elect President, Secretary and Treasurer	101
Duties of President and Secretary	101
Duties of Treasurer	102
Estimates for supplies for, what state and how published	102
Estimates made quarterly ..	102
When estimates insufficient, warden may purchase, how	102
Warden shall not appropriate supplies to own use...	102
Bond of Treasurer	102
Bonds of Board of Managers	102
All bonds filed with Territorial Auditor	102
Salary of warden and Board of Managers	13, 166
PRACTICE.	
<i>Summons</i>	
Service of by copy	103
If sheriff makes no return of, another may issue, when	103
Upon incorporated companies, how served....	105, 106
Upon railroad companies, may be served upon local agent	106
If corporation has no officer upon whom service may be had, it shall be cause for attachment... ..	106
<i>Pleadings.</i>	
Removed from office of clerk of Court, only upon leave of Court.....	104
Certified copy of may be had, when	104
Cost of copy taxed as costs	104
Fees of clerk for copy	104
Person to suit may file copy for adverse party	104
Fee of Clerk for comparing and certifying.....	105
PRACTICE IN SUPREME COURT.	
<i>Appeal.</i>	
Bonds given for, void or effective, when.....	105
PRINTING.	
Incidental, appropriation for	14

	PAGE
Governor's message.....	14
For Legislature, tenth session	15
Sundry, 1875.....	16
Laws of Eleventh Session, how printed	85
<i>Spanish.</i>	
Laws of Eleventh Session, number, etc.....	84
How distributed	84
Appropriation for payment of.....	84
PROBATE COURT.	
May change names, of whom	38, 96
Cases pending in, transferred from La Plata to San Juan	59
Who exempt from jury duty in	80, 81
Duties of in attachment suit	20, 21, 22, 23, 24, 25
Duties of, in proceedings for acquiring right of way by corporations.....	42, 43, 44, 45, 46, 47, 48
<i>In Gilpin County</i>	
Provisions of Act of 1874, relating to Arapahoe Co., made applicable to, with certain exceptions.....	113
Jurisdiction of.....	113, 114
Terms of	114
Shall be governed by rules of practice of District Court.....	114
Appeals from Justices and Police Magistrates to. ...	114
Bonds for writ of certiorari, how conditioned.	115
No appeal from to District Court.....	115
Judge of, may appoint clerk	115
Fees of Clerk	115
Who eligible to be Judge of Act of February 13, 1874, concerning, repealed.....	115
<i>In Lake County.</i>	
Terms of.....	113
<i>In Larimer County</i>	
Act of February 13, 1874, relating to Counties of Clear Creek, Park, Summit, Lake and Weld, made applicable to, with certain exceptions.....	110
<i>In Park County.</i>	
Jurisdiction of.....	107

	PAGE
To be governed by rules of	
District Court	108
Of actions of forcible entry	
and detainer	108
Of trials by jury.....	108, 109
Of actions on bonds.....	108
Appeals from Justices to ...	109
Terms of	109
Act of 1874, relating to	
counties of Clear Creek,	
Park, Summit, Lake and	
Weld, repealed, with cer-	
tain exceptions.....	109, 110
<i>In Saguache County.</i>	
Jurisdiction of.....	110, 111, 112
Of action on bonds... ..	111
Of jury trial.....	111
Judge may appoint special	
Master in Chancery... ..	111, 112
Appeals from Justices to , ..	112
<i>Pueblo County.</i>	
Terms of District Court in,	67
REDEMPTION.	
Of lands sold for taxes may	
be made, when	117, 118
Terms of	117, 118
REFLEVIN.	
Bonds given in action of, to	
be recorded by Clerk of	
Court.....	31
Defendant may retain prop-	
erty by giving	116
Conditions of.	116
If not given, property del-	
ivered to plaintiff	116
Before approval of, property	
shall be appraised.....	116
REVENUE	
See taxes, page.....	
.....	162, 163, 164, 165
Assessment for Territorial	
purposes.....	163
Treasurer to collect by dis-	
tress and sale, when.....	117
Money of non-residents	
loaned in Territory, sub	
ject to taxation	118
Principal or agent loaning	
money of non-residents,	
shall make return to	
County Assessor, ...	119
Money of non-residents, for	
what taxed.....	119
Penalty for failure to make	
return.....	119
Duty of agent to pay for	
principal, when.....	119

	PAGE
RIO GRANDE COUNTY.	
Act relating to wagon roads	
in.....	125
Terms of Court in.....	67
ROADS AND HIGHWAYS.	
Compensation, overseers of,	
in Douglas, Elbert, Fre-	
mont, Gilpin, Huerfano,	
Larimer, Las Animas,	
Saguache and Weld	120
<i>Gilpin County</i>	
Act to establish.....	121
Description of route.....	121
<i>Lake & Saguache Counties—</i>	
<i>Road Overseers.</i>	
Number of	121
How elected, term of office	122
May appoint deputies	122
Shall file bond	122
Shall superintend road work	
of county	122
Powers and duties of... ..	122, 123
Compensation of	123
<i>County Commissioners.</i>	
May levy tax for.....	122
Shall apportion taxes, how	122
May increase salaries of	
overseers.	123
Duty of, to limit overseers	
in time in which to per-	
form labor	123
<i>Pueblo County.</i>	
<i>County Commissioners.</i>	
May levy tax for.. ..	124
Shall apportion taxes, how	124
<i>Overseers</i>	
Shall notify persons subject	
to tax	124
Compensation of.....	125
SALES FOR TAXES.	
Sales in error, purchaser to	
be protected	118
Liability of treasurer, clerk	
and assessor	118
SAN JUAN, LA PLATA, HINS-	
DALE and RIO GRANDE	
COUNTIES.	
<i>Bonds.</i>	
County Commissioners may	
issue	125
Amount of limited.....	125
How voted, issued and paid	
.....	125, 126
May be cancelled and de-	
stroyed, where.	126
SAGUACHE COUNTY.	
Act to reimburse for care of	
insane pauper... ..	15

	PAGE		PAGE
Act concerning Probate Court in	110	Duty of to keep separate ac- counts.....	151
SALARIES.		Authorized to receive for- feitures.....	151
See Fees and Salaries, pp. 72, 73, 74, 75, and Ter- ritorial Officers, pp. 165, 166.		County Assessors.	
SCHOOLS.		Shall list property in school districts, when.....	151
Act to amend, revise and consolidate the acts rela- ting to public schools.....	127	Duty of to arrange tax schedule, how.....	151
Shall be in force from and after passage, with cer- tain exceptions	156	School Districts.	
Act of 1870 repealed.....	156	Organization of.....	134
Section 8 of act of 1872 made applicable to Fre- mont county.....	157	Qualification of voters.....	134, 135
<i>Sup't of Public Instruction.</i>		Persons may be transferred from	135
Nominated by Governor, when	127	Two or more may be uni- ted in one	135, 136
Elected, when.....	127	Not entitled to money until school commenced in....	136
Term of office.....	127, 129	Organization of, void, when	136
Location of office	127	Joint district may be formed from two or more contig- uous counties.....	136
Bond, conditions and ap- proval of	127	New district entitled to share of money of old ..	137
Duties of.....	127, 128, 154, 156	Shall be body corporate....	139
Salary of	128, 165	How classified.. ..	139
Contingent expenses of of- fice.....	128, 165	Number which shall con- stitute board of directors of, how determined	139
County Superintendents		Certain districts declared legal.....	140
Elected, when.....	129	Union High School	
Term of office.....	129	May be established, when..	137
Bond.....	129	Committee of, who shall constitute	137
County commissioners may appoint.....	129	Term of office.....	137
Duties of, generally	129, 130, 131, 153, 154	Vacancies in, how filled....	137
Certificate of, how graded and issued	130	Meetings of, when held	138
May appoint deputy	130, 131	Powers and duties of	138
May administer oaths	132	District supporting, entitled to voice in electing..	139
Shall appoint directors	132	How maintained.. ..	138
Compensation of.....	133	Free to all children in coun- ty	138
Who eligible for.....	133	District Officers.	
County Treasurer.		Number of, how determined	139
Keep separate account with school districts.....	134	Election of... 139, 140, 141, 142	
District money, how paid ..	134	Board may make by-laws for government of schools	142
May withhold money from board of directors, when	134	Shall constitute equalizing board	152, 153
Money forfeited by district to go to general school fund.....	134	May fill vacancies.....	142
Shall certify amount tax collected.....	150	Meetings of, when held.....	142
Shall arrange tax Schedule, how	151	Powers and duties of	142, 143, 144
		Duties of president of ..	140, 144
		Duties of secretary of.. ..	144, 145, 146, 152, 153

	PAGE
Secretary of shall give bond	153
Not to receive compensation, in case of neglect or refusal to do duty.....	147
Collector, powers of.....	152
<i>Teachers.</i>	
License, must obtain.....	147
Limitation of.....	147
Penalty for failure to procure	147
Not dismissed without notice and cause	147
Report, how made.....	147, 148
Record, how kept.....	147
Affidavit of, before whom taken	148
<i>Special District Meetings.</i>	
Directors may call, when and for what purposes ...	148
Notice of, how given	148
Powers of qualified electors at	148, 149
<i>School Fund—County School Tax.</i>	
County commissioners may levy	149
County collector shall collect	149
Penalty for failure to levy ..	150
County treasurer shall certify amount of collected..	150
Commission of collector ...	150
Penalty for failure to pay over	150
County fund not to be used for building	153
<i>Special School Tax.</i>	
How levied.....	150, 151
How collected.....	151
When collected shall be placed to credit of proper district	151
Duty of assessor and treasurer concerning.....	151
Not to be used for building	153
<i>Penal Fund.</i>	
Penalties, fines and forfeitures, how recovered.....	151
Net proceeds of, shall be paid over, when.....	152
Penalty for failure to pay over	152
Not to be used for building	153
<i>Special Building Tax.</i>	
How assessed, levied and collected	152
Shall be paid to district treasurer.....	152

	PAGE
Board of directors shall constitute equalizing board, to hear complaint of person aggrieved by assessment for	153.
Secretary shall give bond for collection of.....	153.
County, special or penal fund not to be used for building	153
<i>Apportionment of School Fund.</i>	
County superintendent shall apportion, how	153, 154
<i>Teacher's Institutes.</i>	
Territorial Superintendent may call, when and where	156
Expenses of	156
Boards of directors may may close schools during session of.....	156
<i>Miscellaneous.</i>	
Public schools, how defined	155
Who admitted to	155
What taught in.....	155
Property of, exempt from taxation, not taken for debt	155
Year, month, week and day, length of	155
School census, how defined	155
School age, how defined ...	155
<i>In City of Denver.</i>	
Act to amend an act for support and better regulation of	157
District No. 1, concerning designation of	157
Board of directors in, when and how elected	157, 158
President, shall be member of	158
Secretary, may be member of	158
Treasurer, shall not be member of, and shall give bond in such sum as board may approve.....	158
Special tax for maintenance of, how levied and collected	159
Amount of, limited.....	159
How expended.....	159
SCHOOL OF MINES.	
Appropriation for	159
How disbursed	160
Tuition in, to be free, to whom	159
Professor in, shall perform duties of assayer.....	160

	PAGE		PAGE
Fees for assays, etc., made	-	breach of trust of.....	167
by, shall form part of re-	-	Act regulating and fixing	
ceipts of.....	160	salaries and contingent	
SILVERTON, TOWN OF		funds of officers of	165
To be county seat of San		TOWNS AND CITIES.	
Juan county.....	59	Act concerning warrants of	173
STOCK BOARDS.		Bonds of, not to be sold for	
May become a corporation	160	less than 75 per cent of	
STOCK		per value	50
See <i>Criminal Code</i> , p. 62, 63.		Not to be issued unless pe-	
Sections 2 and 3, of act of		tition signed by 100 legal	
1872, entitled, an act reg-		voters	50
ulating the branding,		Two-thirds vote requisite	
herding and carb. of, not		for issuance of.....	51
applicable to sheep.....	161	Stock may be sold to re-	
Payment of penalty for de-		deem bonds by two-thirds	
facing or changing brands		vote	51
not to entitle to owner-		Property of, in El Paso Co	
ship of	161	subject to road tax	173
Brand on animal, if record-		President of Board Trus-	
ed, <i>prima facie</i> evidence		tees shall be deemed	
of ownership.....	162	Mayor of	50
Proof of right to use brand,		<i>Black Hawk.</i>	
made by certified copy of		Act to amend charter of the	
same, under hand and		city of.....	179
seal of county clerk	162	Act for relief of the inhab-	
TAXES.		itants of	178
See <i>Revenue</i> , pp. 117, 118, 119,		Warrants drawn by City	
120.		Treasurer of, to draw in-	
Assessment for Territorial		terest, when.....	179, 180
purposes	163, 164	When taxes become delin-	
County commissioners at		quent in	180
first regular meeting after		Certain lots and lands in,	
March 1st, 1876, to ascer-		may be sold, when and	
tain amount of unavaila-		how	178, 179
ble, charged prior to Jan-		<i>Central City</i>	
uary 1st, 1875.	162	Act to amend charter of ...	177
County clerk to render de-		Act for relief of inhabitants	
tailed statement to aud-		of.	175, 176
itor	162	Office of Assessor abolished	177
Auditor authorized to deduct		Duties of Assessor of Gil-	
amount of available, from		pkin county.....	177
delinquent taxes, for re-		Duties of Clerk of Gilpin	
lief of counties	163	county	177
Auditor to credit counties		City Treasurer of, shall be	
all taxes remaining un-		ex-officio Collector of.....	177
paid six years from date		City Street Commissioner	
of levy	163	shall be ex officio Mar-	
County commissioners may		shall of.....	177
summon witnesses to as-		Treasurer, Street Commis-	
certtain amount of taxable		sioner and Police Judge,	
property, when false re-		how elected.....	177
turn is made	164	Claimants to lots in, shall	
Penalty for making false		receive deeds, when and	
return of.....	164	how	176
TERRITORIAL OFFICERS.		Certain lots and lands in,	
Act providing for election of	167	may be sold, when and	
Treasurer, act concerning		how.....	176

	PAGE
Moneys received from sales, how used	177
<i>Denver</i>	
Amendment to act to incor- porate city of.....	169
Act to provide for further execution of trust relating town site of	174
No plat of addition to be filed until approved by City Council.....	169
No plat approved unless street conform to angles of adjoining additions. .	169
Several funds for expenses of, shall not be transfera- ble	172
<i>The Mayor.</i>	
Ordinances and resolutions shall be submitted to, when; if approved, shall sign; if not, shall return with objections.....	169, 170
If refuses to sign, Council may pass by two-thirds vote	170
If not returned in five days shall be in force	170
Shall nominate police	172
<i>City Council.</i>	
May enact any ordinance needful for peace, good order, etc	171
In absence of Mayor, may elect.	170
May elect Mayor in case of vacancy	170
May borrow money, for what, and in what amount	171
May revise and fix grades, when	171
May condemn lands, how and for what purpose.....	171
May levy taxes, in what amount.....	171
For what purposes may levy	172
<i>Police</i>	
Shall be nominated by May- or and confirmed by Council	172
Term of office	172
<i>Trinidad.</i>	
Act to incorporate town of,	174

	PAGE
Corporate limits of.....	175
Of title to streets and alleys	175
Of additions.....	175
Powers of Board of Trus- tees.....	175
TREASURER, TERRITORIAL.	
Act relating to.....	167
Salary of.....	165
Contingent fund of office...	165
Duty of concerning war- rants for payment of con- stitutional convention....	39, 40
If removed by Governor, shall turn over all books, papers and money to suc- cessor.....	167, 168
Penalty for failure to turn over money	168
If security of insufficient, Governor shall order ad- ditional bond.....	168
For failure to furnish new bond, may be removed...	168
UNIVERSITY.	
Appropriation for, how ex- pended	183
Board of trustees, no power to create indebtedness ...	183
Treasurer board of trustees shall file bond	184
Tuition fee... ..	184
VENUE.	
What application for change of, shall state.....	185
Change of may be granted, when	185
When application for change of denied, may make new application, when...	185
WARRANTS	
Act to regulate cancellation of city and town warrants	186
WOLVES AND CAYOTES.	
Premium for killing	186
Person claiming shall pro- duce scalp, etc.....	187
Oath to be taken.....	187
Clerk shall destroy scalps...	187
Shall issue certificates	187
Shall keep register	187
Certificates shall be re- ceived by collector	187
Fees of.....	187

